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No. 8] NEW DELHI, SATURDAY, FEBRUARY 20, 1965/PHALGUNA 1, 1886

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण गजट 30 जनवरी 1965 तक प्रकाशित किए गए थे—

The undermentioned Gazettes of India Extraordinary were published upto the 30th January, 1965 :—

Issue No.	No. and Date	Issued by	Subject
21-A	S. Os. 379-A, 379-B, and 379-C, all dated 30th January, 1965.	Ministry of Steel and Mines.	Specifying a further one year from 30th January, 1965 within which Government intends to acquire lands specified therein.
22	S.O. 458, 3rd February, 1965.	Ministry of Information and Broadcasting.	Approval of films specified therein.
23	S.O. 459, dated 5th February, 1965.	Election Commission, India.	Calling upon elected members of the Legislative Assembly of Rajasthan to elect a person to fill a vacancy in the Council of States caused by the resignation of Shri Kumbha Ram.
	S. O. 460, dated 5th February, 1965.	Do.	Appointing dates etc. for the election referred to in S. O. 459 above.
	S. O. 461, dated 5th February, 1965.	Do.	Designating the Secretary, Rajasthan Legislative Assembly, to be the Returning Officer for the election referred to in S. O. 459 above.

Issue No.	No. and Date	Issued by	Subject
	S. O. 462, dated 5th February, 1965.	Election Commission India	Appointing the Deputy Secretary, Rajasthan Legislative Assembly, to assist the Returning Officer, for the election referred to in S. O. 459 above.
	S. O. 463, dated 5th February, 1965.	Do.	Fixation of hours regarding the election referred to in S. O. 459 above.
24	S. O. 464, dated 5th February, 1965.	Ministry of Labour and Employment.	Specifying Shri Shantaram S. Kantak, Mining Engineer, Department of Mines, Government of Goa, Daman and Diu, to be the Iron Ore Mines Cess Commissioner.
25	S. O. 465, dated 8th February, 1965.	Ministry of Information and Broadcasting.	Approval of films specified therein.
26	S. O. 466, dated 8th February, 1965.	Cabinet Secretariat.	Amendments in the Government of India (Allocation of Business) Rules, 1961.
27	S. O. 587, dated 9th February, 1965.	Election Commission, India.	Appointing Electoral and Assistant Electoral Registration Officers for some Parliamentary constituencies of Delhi.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केंद्रीय प्राधिकारियों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 8th February 1965

S.O. 592.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 20th January, 1965 by the Election Tribunal, Ramanathapuram at Madurai.

BEFORE THE ELECTION TRIBUNAL, RAMANATHAPURAM AT MADURAI

PRESENT:

Sri T. S. Anavaradham, M.A., B.L., Election Tribunal.

Wednesday, the Twentieth day of January, One thousand nine hundred and sixty five.

(30th day of Pausa 1886—Saka)

ELECTION PETITION NO. 13 OF 1964

BETWEEN

Shri K. Velayudha Nair—*Petitioner.*

AND

1. Sri R. Kasinatha Durai
2. Sri G. Lakshmana Subbarajulu
3. Sri S. S. Karuppasami—*Respondents.*

Petition dated the 26th day of May, 1964, Under Sections 81 to 84 and 100 and 101 of the Representation of the People Act, praying that the election of the first respondent be declared as void and that the petitioner be declared to have been duly elected to the Aruppukottai Parliamentary Constituency.

This Election Petition coming on before me, on Friday and Saturday the 30th and 31st days of October, 1964, on Wednesday, Thursday, Friday, Saturday, Monday, Tuesday, Wednesday, Monday, Tuesday, Friday, the 4th, 5th, 6th, 7th, 9th, 10th, 11th, 16th, 17th and 27th days of November, 1964, on Friday, Saturday, Monday, Tuesday, Wednesday, Monday, Tuesday, Wednesday and Monday, the 4th, 5th, 7th, 8th, 9th, 14th, 15th, 16th and 21st days of December, 1964, and on Monday, Tuesday, Wednesday, Thursday, Monday and Tuesday, the 4th, 5th, 6th, 7th, 11th and 12th days of January, 1965, upon perusing the Petition, the Counter, the Record of Evidence and other connected material papers, and upon hearing the arguments of Sarva Sri R. Harihara Ayyar, B. Sankaranarayana Ayyar, P. S. Ramasubramaniam, M. Dhamikkodi and T. R. Rajam, Advocates for the Petitioner, and of Sarva Sri S. Narayanaswami Sastri, P. Subramaniam, N. J. V. Desikan and V. S. Chandrasegaran, Advocates for the first Respondent, the other two Respondents having remained *ex-parte*, and having stood over for consideration till this day, this Tribunal delivered the following:

JUDGMENT

The application is under Sections 81 to 84 and 100 and 101 of the Representation of the People Act, to set aside the election of the first respondent as a Member of the House of the People representing the Aruppukottai Parliamentary Constituency, in Ramanathapuram District (Madras State), and to declare the petitioner as the duly elected candidate from that Constituency.

2. The averments in the application are these:—The candidates that stood for the election held on 15th April 1964 for the Aruppukottai Parliamentary Constituency are the parties herein. The first respondent secured 1,38,358 votes, while the petitioner secured 1,31,281 votes. Respondents 2 and 3, the other candidates, secured very few votes. The first respondent, who is the successful candidate belongs to the caste and community of Mukkulathors, of whom Agambadiars, Maravars and Kallars are members. His elder brother, the Rajah of Ramanathapuram, is a sitting Member of the Madras Legislative Assembly. During the election campaign, the first respondent, his agents and other persons, with the consent of the first respondent and his election agent, decided to carry on a systematic appeal to the voters throughout the Constituency to vote for the first respondent on the ground of his caste and community, *viz.*, Thevar, and region from which he claims and the language which he spoke, *viz.*, a Tamilian, and to refrain from voting for the petitioner on the ground of his caste, community, region and language, *viz.*, a Malayalee Nair. Pursuant to the above design, the first respondent, his agents, persons belonging to the Congress Party and several other persons, with the consent and connivance of the first respondent, carried out wide and extensive propaganda, by addressing several meetings in the Constituency. In all the meetings, the first respondent, his elder brother, Rajah Shanmugha Rajeswara Sethupathy, the Rajah of Ramanathapuram, several leaders of the Congress Party and others spoke exhorting the voters, majority of whom belonged to the Mukkulathor community, to vote for the first respondent on the

ground that the latter came from the same Mukkulathor community and that he was a Tamilian who hailed from the Tamilnad and spoke the Tamil language, as the voters. The speakers also made an appeal to the voters to refrain from voting to the petitioner on the ground of his being a Malayalee Nair.

3. On 5th April 1964, the elder brother of the first respondent, the present Rajah of Ramanathapuram, went to a number of villages Eruvady, Sikkal, Ethampadal, Vallakulam, Odaikulam and other places in Mudukulathur taluk, accompanied by the first respondent and the local Congress leader Sri Balakrishnan. All of them addressed large gatherings and in the course of his speech, the Rajah of Ramanathapuram, the first respondent and the other speakers mainly referred to the petitioner as a Malayalee Nair and said that for the seat in Parliament vacated by the death of U. Muthuramalinga Thevar, a great leader of Maravars, only a person belonging to the Maravar community, should be elected, that a Nair from Kerala should not be supported and that if supported it would mean betrayal and ruin of the Maravars.

4. On 6th April 1964, the first respondent accompanied by his brother, the Rajah of Ramanathapuram, Sri Balakrishnan and others, visited Thervazhi, Kakoor, Thiruvarangam and the Rajah addressed election meetings there, besides one at Mudukulathur. In all these places, the Rajah and the other speakers appealed to the gathering of voters only to vote for the first respondent belonging to the Maravar community and not to the petitioner, a Malayalee Nair from Kerala. At the meeting at Mudukulathur, the Rajah of Ramanathapuram said that the seat vacated by U. Muthuramalinga Thevar, the leader of the Maravars, should be occupied by a person belonging to his 'samoogham'. After his speech, the first respondent also said that the Rajah had spoken everything clearly, and asked the voters to follow his advice. He also asked the latter not to vote for a Malayalee Nair but to give their full support to him as a Marava from Tamilnad.

5. On 7th April 1964, the Rajah of Ramanathapuram, the first respondent, Sri M. M. Swami, Ramu Thevar and Sri Soundarapandyan of Kamudhi went to Melakodumalur, Nagaratharkurichi, Abhiramam, Singapuliyapatti, Pappankulam and Kamudhi in Mudukulathur Taluk, and did election propaganda in favour of the first respondent. All of them addressed gatherings of voters, and the main purport of the speech made by the Rajah and the first respondent was that Mukkulathor voters should only support the first respondent who is a Marava by caste, and not a Malayalee Nair from Kerala.

6. On 7th April 1964, the Rajah of Ramanathapuram, the first respondent and his party addressed a very largely attended meeting of voters at Sayalgudi. The Rajah asked the voters thus: "Are the hands which respected Thevar to be folded in homage before a Malayalee?"

7. On 9th April 1964, the Rajah of Ramanathapuram, accompanied by his brother, the first respondent, Sri Veerappa Naicker, Secretary of the District Congress Committee, Ramanathapuram District, Sri Dorairaj, Chairman, Sattur Panchayat Union, Sri Muthumanikkam and others, visited Kollapatty, Nathathupatty, Kalinga-Naickenpatty, E. Reddiapatty, Sivasankupatty, Elayirampannal, Othayal, O. Mettupatty, Sattur and other places, and addressed meetings. The main purport of the speech made by the first respondent's brother was that in the place of late Muthuramalinga Thevar, a Malayalee Nair of Kerala State, meaning the petitioner, cannot be substituted. The first respondent also spoke in all these places and appealed to the voters to follow the advice of his elder brother, the Rajah of Ramanathapuram. In the meeting at Sattur which took place at 8.30 P.M. there was a record gathering of many thousands of voters.

8. On 10th April 1964, Rajah Shanmugha Rajeswara Sethupathy (Rajah of Ramanathapura) accompanied by his brother, the first respondent, went to Sivakasi, and addressed a public meeting. In the course of his address, the Rajah stressed that the opposite candidate, the petitioner, is a Nair from Kerala, that he is not a fit person to occupy the seat vacated by U. Muthuramalinga Thevar and that in his place only a person belonging to his 'samoogam' should be supported. The first respondent in a short speech told the audience that his brother, the Sethupathy, had spoken what all he had to speak and he also appealed to the voters to give him support.

9. On 11th April 1964, the Rajah of Ramanathapuram accompanied by the first respondent addressed meetings at Nalur and other places. In those meetings he referred to the petitioner as a Malayalee from Kerala. On 12th April 1964, a public meeting was held at Tiruchuli under the auspices of the local Congress Committee. The Rajah of Ramanathapuram, accompanied by the first respondent, Srirengam Pillai, the President of the District Congress Committee, and others

attended it. In the course of his speech, the Rajah referred to the petitioner as a Nair from Kerala, and appealed to the voters to vote for the first respondent, who is a Maravar by caste. The first respondent, who was the last speaker in that meeting, requested the voters not to forget the valuable words of his brother at the time of the poll.

10. On 13th April 1964, the first respondent, accompanied by the Rajah of Ramanathapuram and others, attended a meeting at Aruppukottai, and all of them addressed a very large gathering at Sivan-koil Thidal. The Rajah of Ramanathapuram questioned the propriety of a Malayalee Nair from Kerala standing as a candidate for the seat held by late Muthuramalinga Thevar. He appealed to the voters not to vote for a Malayalee Nair from Kerala, but only to vote for his brother who is a Mukkulathor. By the several appeals at the different meetings, the voters were considerably influenced in favour of the first respondent and against the petitioner and thus the result of the election has been materially affected under Section 100(1)(D) of the Representation of the People Act. Corrupt practices coming within the purview of Section 123(3)(A) of the Representation of the People Act were also committed by the first respondent and persons who spoke with his consent. The first respondent and his brother and several others who spoke for him are guilty of 'corrupt practices' under Sections 123(3) and 123(3)(A) of the Representation of the People Act. The election of the first respondent has to be declared void in consequence. The names of hundreds of voters were deleted just before the election, as seen from the List of Voters, relating to the Polling Booths of Tiruchuli and Mudukulathur area. There was no justification for such wholesale deletion. There was thus a non-compliance of the provisions of the Constitution and of the Representation of the People Act and the Rules made thereunder. Several thousands of voters would have cast their votes for the petitioner; but they were told to their surprise that they had no votes. The result of the election has thus been materially affected by this improper deletion. But for the votes obtained by the first respondent by the corrupt practices, the petitioner would have obtained a majority of votes.

11. The first respondent, the successful candidate in the election, has filed a very lengthy counter, meeting the several allegations in the numerous paragraphs contained in the application. The allegations in paragraphs 8(a) to 8(n) of the petition have been specifically denied.

12. The averments in the counter are these:—The first respondent comes of a very respectable family of the Sethupathis of Ramanathapuram. Even before the last election, he had come in close contact with the people and they had developed a great regard and respect for him. His association with the Madurai Adheenam, Jagad Guru Sankarachariya Swamikal, Kanchi Kamakoti Peetathipathigal, Dharmapuram Adheenam, Thiruppanandal Adheenam and other Heads of Mutts, had also gained the popularity and respect for him. That apart, the Congress Party, of which he is a member, was gaining influence and attraction in the minds of the people of the locality in the Constituency. He has been elected by the people in the fair and impartial election conducted in April, 1964. The application to set aside his election is a vexatious one. The first respondent, his agents and other persons never entertained any idea to carry on any systematic appeal to the voters, to vote for him on the ground of his caste or community or religion or language. At no time there was any propaganda that voters should vote for him as he belongs to the Mukkulathor community. The Rajah of Ramanathapuram, though he happens to be his brother, was never his agent. He did not address any meeting on account of his relationship, but purely in duty bound as an official member of the Congress Party in which ticket, this respondent stood as a candidate. On 6th April 1964, the Rajah of Ramanathapuram was at Rameswaram, conducting an elaborate meeting of the Devasthanam Trust Board. This respondent did not address any meeting at Mudukulathur on 6th April 1964. He was present at Nathathupatty, Gollapatty and Elayirampanni, but not in the other places referred to in paragraph 8(g) of the application. In the meeting addressed by this respondent in the three places, he did not refer to the petitioner as a Malayalee Nair and say that he was a Mukkulathor and that therefore he should be elected in the place of U. Muthuramalinga Thevar. At the time the meetings referred to in paragraphs 8(j) and 8(k) of the application took place, this respondent was touring in and around the area in Palayampatti along with his agent and others and the Hon'ble Minister Sri V. Ramayya. He was not present at the meeting referred to in paragraph 8(m) of the application. On 13th April 1964, he was touring other places along with Subbiah Thevar and Sri Rajendran. He did not attend the meeting at Aruppukottai on 13th April 1964 where the Rajah of Ramanathapuram is stated to have addressed. The allegations in paragraphs 8(a) to 8(n), with reference to alleged speeches made by the Rajah of Ramanathapuram are mere figments of imagination invented by the petitioner and his political associates purely for the purpose of this election.

petition. He (first respondent) did not appeal to the voters on the ground of his community but purely on his own merit of personality and service to the Constituency and on the ground of his being a member of the Congress Party. It is incorrect to say that the Maravar community is in majority in Aruppukkottai Constituency. The speeches made by the Rajah of Ramanathapuram and others were not with the consent or connivance of this respondent. There was no promotion or attempt to promote feelings of enmity or hatred between Mukkulathors of Tamilnad and Malayalee Nairs of Kerala on the ground of race, caste, community or language. There was no kind of corrupt practice in the election on the part of this respondent. It is not true to say that the names of several voters were deleted improperly. There is no ground for setting aside the election of this respondent as a Member of the House of the People.

13. The other respondents have remained *ex-parte*.

14. The issues are:

- (1) Whether the first respondent is guilty of the corrupt practices of having appealed to the voters to vote for him on the ground of his caste and community, i.e., Thevar, and region from which he claims and the language he spoke, i.e., Tamil, as set forth in paragraph 8 and sub-paragraphs 8(a) to 8(n) of the petition?
- (2) Whether the first respondent is guilty of the corrupt practice of having appealed to the voters to refrain from voting for the petitioner on the ground of his caste, community, region and language, i.e., Malayalee Nair, as set forth in paragraph 8 and sub-paragraphs 8(a) to 8(n) of the application?
- (3) Whether the first respondent promoted or attempted to promote feelings of enmity or hatred against the petitioner on the ground of religion, race, caste, community or region?
- (4) Whether all or any of the persons mentioned in paragraphs 8(a) to 8(n) of the application committed the corrupt practice referred to in issues 1 and 2 and whether they did so with the consent of the first respondent?
- (5) Whether all or any of the persons mentioned in paragraphs 8(a) to 8(n) of the petition promoted or attempted to promote feelings of enmity or hatred against the petitioner on the ground of religion, race, caste, community or region with the consent of the first respondent?
- (6) Whether in any event all or any of the persons mentioned in paragraphs 8(a) to 8(n) of the application committed corrupt practice as detailed therein and whether such corrupt practice even if it is committed without the consent of the first respondent, materially affected the result of the election in so far as it concerns the returned candidate, i.e., the first respondent?
- (7) Whether the names of hundreds of voters had been deleted just before the election relating to polling booths of Tiruchuli and Mudukulathur area in contravention of the provisions of the Constitution and the Act, Rules and Orders thereunder?
- (8) Whether several voters lost their voting right by reason of the deletion referred to in issue 7?
- (9) Whether the result of the election has been materially affected in so far as it concerns the returned candidate, i.e., the first respondent on the ground of deletion of the names of numerous voters?
- (10) Whether the election of the first respondent has to be declared void?
- (11) Whether the petitioner has to be declared as the duly elected Member of the Parliament from the Aruppukkottai Constituency?
- (12) To what reliefs is the petitioner entitled?

15. The petitioner seeks to have the election of the first respondent as a Member of the House of the People representing the Aruppukkottai Constituency in the Bye-election held in April, 1964, consequent upon the demise of Sri U. Muthuramalinga Thevar who represented that Constituency, set aside, mainly on the ground that the first respondent, his agent and other persons with his consent appealed to the voters to vote for him on the ground of his religion, race, caste, community and language, and not to vote for the petitioner on the ground of his religion, caste, race, community and language; and, secondly, on the ground that an attempt to promote feelings of hatred between two different classes of the

citizens of India on grounds of religion, race, caste, community or language, by the same set of persons had been made; and, lastly on the ground that just before the election, the names of hundreds of voters relating to the Polling Booths of Tiruchuli and Mudukulathur area were improperly deleted with the result that he lost the several thousands of votes of persons who would have all voted for him.

16. The first respondent's counsel referred me to several decisions in the course of the arguments in regard to the nature of the trial of an Election Petition and the manner in which the charges levelled against the successful candidate must be proved. They are reported in *Mohan Singh v. Bhanwarlal* (1); *Paj Raj Deb v. Gangadhar Mohapatra* (2) and *Shantilal v. Bipinlal* (3). The Supreme Court has pointed out in the first of the decisions cited that the onus of establishing the corrupt practice is undoubtedly on the person who sets it up and that the onus is not discharged on proof of mere preponderance of probability, as in the trial of a civil suit, but that the corrupt practice must be established beyond reasonable doubt by evidence which is clear and unambiguous. The second of the decisions is authority for the proposition that charges of corrupt practices are quasi-criminal in character and to prove the allegations against the successful candidate, the same standard of proof will be required as in a criminal case against an accused. In the last of the decisions, which is of the Madhya Pradesh High Court, it has been pointed out that a conclusion on a charge of corrupt practice cannot be based on mere conjectures or surmises which cannot take the place of legal evidence. Bearing the principles laid down in these decisions, I shall discuss the evidence adduced on either side on the numerous issues framed.

17. In the course of this Judgment, I shall refer to the first respondent, the successful candidate in the election, as the "respondent", inasmuch as the other respondents have not chosen to enter appearance and contest. In the application, there is reference to the Rajah of Ramanathapuram. The witnesses on either side have frequently made references to him. He is one of the witnesses examined on the respondent's behalf, being R.W. 17. I shall refer to him merely as "Rajah" throughout this Judgment.

18. Issues 1, 2 and 4.—These issues may be considered together.

19. In the application, reference is made by name to thirty villages and "other villages" where the respondent, the Rajah and other persons are stated to have done election propaganda on his (respondent's) behalf by appealing to the voters to vote for him on the ground that he belongs to the 'Thevar' community, one of the three communities called 'Mukkulathors', that he is a Tamilian, that he belongs to the Tamilnad and that the voters should not cast their votes in favour of the petitioner who is a Malayalee Nair from Kerala. But evidence has been adduced in respect of election meetings held in a few of the places: namely, Mudukulathur, Abhiramam, Kamudhi, Elayirampannai, Sattur, Sivakasi, Tiruchuli and Aruppukottai, on the petitioner's side.

20. Under Section 123(3) of the Representation of the People Act the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent, to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language, would be a 'corrupt practice'. The petitioner did not examine himself to substantiate the various charges levelled by him against the respondent. But numerous witnesses have been examined on his side, and reliance is placed upon the Tamil Dailies "Navamani", "Dhina-Malar" and "Maalai-Murasu", of dates 11th April 1964, 14th April 1964 and 13th April, 1964 respectively, mainly to substantiate this part of his case in regard to the manner in which the respondent, his agent and others appealed to the voters to vote for him (respondent).

21. In regard to the five villages referred to in paragraph 8(a) of the application, there is no oral evidence on petitioner's behalf. Reliance was placed upon Ex. A-5, which was an appeal handed over to P.W. 3, Soundarapandyan, who is running a Press at Kamudhi, for printing, to show that in contravention of Section 123(3), the respondent, his agent and persons with his consent, had been canvassing for votes on his behalf. P.W.3 admitted that Ex. A-5 was not written in his presence. Thus, it has not been proved. Assuming there is adequate proof of it, still, inasmuch as it is not followed up by other evidence, it cannot advance the petitioner's case at all. Thus, it may be concluded that the averments in paragraph 8(a) of the application have not been substantiated.

(1) A.I.R. 1964 Supreme Court 1366.

(2) A.I.R. 1964 Orissa 1.

(3) A.I.R. 1964 Madhya Pradesh 92.

22. The allegation in the application is to the effect that on 6th April 1964, the Rajah accompanied by his brother, the respondent, besides others, visited four villages including Mudukulathur, and addressed public meetings, appealing to the voters to vote only for the respondent, who belongs to the 'Maravar' community, and not to vote for the respondent, who is a 'Malayalee Nair from Kerala'. In regard to the allegations in paragraph 8(c), no attempt was made to adduce any evidence of the meetings in three of the four places named therein. Even in regard to the election meeting held at Mudukulathur, the evidence adduced is very meagre and unsatisfactory. There is positive evidence on the respondent's side to show that on that date (6th April 1964), the Rajah was at Rameswaram till about 5.45 P.M. and that he reached Ramanathapuram at about 8 P.M. The latter's evidence was that he did not proceed to Mudukulathur on that night. The petitioner mainly relied upon the short distance between Ramanathapuram and Mudukulathur to urge that it would not have been impossible for the Rajah to proceed to that place and address an election meeting on behalf of his brother, the respondent, even assuming that till about night-fall he was at Rameswaram. The respondent, as R.W.1, stated that on 6th April 1964 the Rajah was at Rameswaram and that he did not meet him on that date. R.W.10, the Superintendent of the Rameswaram Devasthanam, stated that on that date there was a meeting of the Board of Trustees, of which the Rajah was the Chairman, he being also the hereditary trustee of that Devasthanam, and that 'Parivattam', that is, temple honours, were given to him. There is documentary evidence to show that the officers in charge of the Devasthanam had made arrangements to give the Rajah his due honours—vide Exs. B-11, B-12 and B-13 on that day. According to R.W.10, the meeting commenced at about 3.30 P.M. and it ended at about 5 P.M. R.W. 17, the Rajah, has stated that he attended the meeting of the Board of Trustees at Rameswaram Devasthanam, that he did not address any election meeting on that date at all and that he reached Ramanathapuram from Rameswaram only at about 8.15 P.M. on that day.

23. The other argument that after 8.15 P.M. it would have been possible for the Rajah to reach Mudukulathur from Ramanathapuram by travelling in a motor car—the distance between the two places being forty-two miles—will have no force at all, for the simple reason that the allegations in the application are to the effect that on that date the Rajah had addressed election meetings at three other places, that is, Thervazhi, Kakoor and Thiruvaramangam, and that Mudukulathur was the last of the villages which he visited on that night during the election campaign. There is no evidence on the petitioner's side that these three villages lie *en-route* to Mudukulathur for the petitioner to contend that it would not have been impossible for the Rajah to halt for a few minutes at each of these three places and address meeting and ultimately reach Mudukulathur. As pointed out in the decision referred to above, the corrupt practice cannot be decided on mere probabilities. Positive evidence must be adduced. The petitioner has failed to show that the respondent and the Rajah addressed election meetings on 6th April 1964 at four places including Mudukulathur.

24. The averments in the application are to the effect that on 7th April 1964 the respondent and the Rajah addressed election meetings at several places including Abhiramam and Kamudhi and that in the course of their address, an appeal to voters was made to vote for the respondent on the ground of his religion, caste and the language he spoke and to refrain from voting for the petitioner because he was a Malayalee Nair from Kerala. The witnesses on petitioner's behalf who have given evidence in regard to this part of his case, that is, Kamudhi meeting, are P.Ws. 3, 5 and 6. On behalf of the respondent, besides his evidence we have the testimony of R.Ws. 11, 12, 15, 17 (Rajah) and 18 by way of rebuttal.

25. P.W. 3 is the person who claims to have printed copies of Ex. A-5. P.W. 5, Guruswami Chettiar, a native of Kamudhi, stated that there was an election meeting seven days prior to the election near the Mariamman temple and that it was attended by the Rajah, Sri Soundarapandia Nadar, Pasumpon Ramu Thevar and others. Even in chief-examination, he dropped the respondent. But then, when the petitioner's counsel asked him whether he knew the respondent, he answered in the affirmative and started saying that in that meeting the Rajah of Ramanathapuram, Soundarapandian, Ramu Thevar, Kasinath Dorai (first respondent) spoke. The respondent has denied having gone to Kamudhi on the date in question and addressed a meeting. The omission to refer to him by P.W. 5 to begin with and the manner in which he subsequently referred to him would clearly show that the respondent could not have been present at the election meeting at Kamudhi.

26. P.W. 5 stated that the Rajah spoke on communal lines, saying that in the place of 'Thevar' (meaning thereby, the late U. Muthuramalinga Thevar) the respondent has been set up by the Congress, that persons should vote for him

and that they should not vote for Velayudha Nair, as a person from the Thevar community was contesting for the seat. In cross-examination, he said that he remained at a distance of about 15 feet from the platform and that he had repeated the words of the Rajah, that is, part of his speech, in his chief-examination, as he remembered the same very well. In my view, his evidence should be regarded as highly artificial. The meeting took place as early as 7th April 1964. The witness gave evidence nearly six months thereafter. True, the Rajah, as R.W. 17, has admitted that he went to Kamudhi on 7th April 1964; but then, he would describe his talk at the Mariamman temple as a 'casual talk' which he gave when he happened to visit it, and not an address for an audience in a meeting. But from that circumstance it cannot be concluded that he must have gone to the temple only to worship the Deity by the way and mainly to canvass votes for his brother, the respondent, and on communal lines.

27. The other witness who has spoken about the meetings at Kamudhi is P.W. 6, Subbiah Thevar. According to him, the crowd at the meeting would be about 2,000; the Rajah, the respondent and two others addressed the gathering, and the Rajah said that votes should not be cast to a Malayalee. His further evidence was that the respondent said that voting for a Malayalee is not for the "well-being" of the Maravar community. If his evidence is accepted, undoubtedly there was a corrupt practice coming within the mischief of Section 123(3) of the Representation of the People Act. But even his evidence appears to be highly artificial. He was able to say at what distance he stood when he heard the speeches of the several persons at this distance of time. Not only that; he would specify the minutes taken by each of the speakers for addressing the gathering by saying that the Rajah spoke for twenty minutes, that Ramu Thevar took five minutes to address the gathering and that the Nadar took about fifteen minutes for his address. One cannot understand how this witness is able to recollect the time taken by each of the speakers to canvass the votes on behalf of the respondent.

28. According to R.W. 15, who was the Sub-Inspector of Police at Kamudhi, there was no public meeting on 7th April 1964 at all. I see no reason to disbelieve his testimony. R.W. 18, Dansuhkodi Nadar, is a native of Kamudhi. He invited the Rajah to the Mariamman temple and honoured him. At that time, some persons had gathered and the Rajah addressed them for a few minutes. He further deposed that the respondent did not come with him at all. In cross-examination it was elicited from him that the expenses for the Rajah's visit to the Mariamman temple have been entered in the accounts. True, the latter have not been placed before the Tribunal. But from that, no adverse inference can be drawn, if we bear in mind that the onus of proof lies heavily, and only, on the petitioner to establish the corrupt practice.

29. The evidence of R.Ws. 11 and 12 shows that on 7th April 1964 there was a public meeting at Aruppukottai, that the Hon'ble the Chief Minister of the State of Madras attended it and that the respondent was present at that meeting which went on between 7 and 10 P.M. that day. I believe their evidence. Thus the respondent could not have gone to Kamudhi as alleged in the application for any election meeting.

30. There is no acceptable evidence on the petitioner's side to show that at the Kamudhi meeting the Rajah appealed to the voters to vote for the respondent on the ground that he is a Thevar, a Tamilian, and one who was speaking the Tamil language and that persons should refrain from voting for the petitioner, he being a Malayalee Nair of Kerala.

31. I shall now take up for consideration the evidence in regard to the meeting held at Abhiramam, which is also stated to have been held on 7th April 1964. As per the averment in the application, the respondent and the Rajah addressed the gathering. In the counter, the respondent denied having gone over to Abhiramam on the date in question and participated in the election campaign. The Rajah as R.W. 17 admitted having gone to Abhiramam and addressed a meeting. But he would confine his address to a 'normal' one, that is, as a person belonging to the Congress Party and requesting the voters to vote for the candidate who had been set up on the Congress ticket, that is, the respondent.

32. The two witnesses who have given evidence about the election meeting at Abhiramam on petitioner's side are P.Ws. 7 and 8, Singarama Konar and Ramakrishnan. Besides the Rajah, the other witness whose evidence has to be considered on respondent's behalf in regard to this meeting is R.W. 4.

33. P.W. 7 stated that he attended the election meeting at Murugan Talkies at Abhiramam a week prior to the election, that the Rajah, after referring to the

achievements of the Congress Party, said that in this Constituency (meaning thereby, the Aruppukottai Constituency), Thevar was originally the representative, that his (Rajah's) brother has now been set up, that he is opposed by a Nair who had come from somewhere that people should vote for the respondent who belongs to the Thevar community, that none should vote for the Malayalee Nair, that if votes should be cast in his favour it would amount to dropping the Maravar community in a deep pit, that they all worshipped "Thevar" (Muthuramalinga Thevar) as a God and that such persons should not worship a Malayalee Nair. He also deposed that after the Rajah, Ramu Thevar spoke, followed up by Soundarapandian and that the last speaker was the respondent who said that the Rajah had said everything and that people should vote for him, he being a member of the "Thevar community". In cross-examination, his native town got shifted as Agatha-Iruppu. He admitted that he had not noted the gist of the Rajah's speech. It is very strange that after the lapse of about seven months from the date of the election this witness is able to remember the words used by the Rajah while appealing to the voters. He did not give any special reason for recollecting the very words so vividly. I am not inclined to rely on the evidence of P.W. 7.

34. P.W. 8, a native of Abhiramam, also referred to the manner in which the Rajah delivered his address on communal lines at the election meeting which was held about eight days prior to the election. He would also refer to the presence of the respondent at the meeting. He repeated the words used by the respondent in Tamil during cross-examination. Not only that. He stated that in chief-examination he had repeated the words used by the four speakers, namely the Rajah, Soundarapandian, Ramu Thevar and the respondent. It is impossible to believe that he has such a remarkable memory.

35. R.W. 4, Karuppiiah Thevar of Abhiramam, is the Proprietor of the Cinema Theatre where the meeting is alleged to have taken place. He would say that the Rajah addressed the meeting and thereafter Hon'ble Sri Kakkan a Minister of the State of Madras, addressed, but that none else spoke at that meeting at all. His evidence in cross-examination was that he has been in the Congress Party for the past two months. He was examined on 7th December 1964. One cannot believe him when he says that only recently he joined the Congress. The election meeting under the auspices of the Congress Party was admittedly held in his Theatre on 7th April 1964. To get out of the difficulty, he said in answer to the following question: "Would you often give your Theatre for holding meetings?" that he would spare it for persons of the different parties. He must have been in the Congress Party at the time of this meeting. He was admittedly in the Forward Bloc Party. The petitioner contested the Bye-election as a candidate of the Forward Bloc Party. I cannot rely on the testimony of R.W. 4.

36. On the petitioner's side, there is no satisfactory evidence to show that at the election meeting held at Abhiramam, the Rajah and the respondent addressed the gathering on communal lines, that is, appealing to the voters to vote for the Congress candidate (respondent) because he happens to be a Thevar and a Tamilian speaking the Tamil language and not to vote for the petitioner, who is a Malayalee Nair from Kerala.

37. On the petitioner's side evidence in regard to election meetings held on 9th April 1964 at Elayiramapannai and Sattur has been adduced. Besides the oral evidence, reliance is also placed upon the three Dailies "Navamani", "Dhina-Malar" and "Maalai-Murasu" marked as Exs. A-1 and A-2, A-13 and A-17 respectively to prove the address of the Rajah at the meetings. The respondent admits having accompanied the Rajah to Elayiramapannai and addressed the meeting there. The stand taken in his counter is that he did not go to Sattur along with the Rajah or attend the meeting at all there on 9th April 1964. But evidence has been adduced to show that at the relevant time he was elsewhere going along with an Hon'ble Minister of the State of Madras. It was admitted by him during his cross-examination that his counter was prepared on a reference to the diary maintained by him wherein he had made notes about most of the meetings addressed by him. If that were so, one cannot understand how it was difficult for the respondent to specifically allege in the counter that at the time the meeting at Sattur is alleged to have been held and addressed by him, he was actually at a far distant place or at some other place. Without an allegation it is not open to the respondent to adduce evidence in support of his plea of alibi practically. In the decision reported in *Ram Phal v. Braham Parkash* (4) it has been held that it is a fairly established rule that no evidence can be looked at, which is not covered by the pleadings. The meeting at Sattur is stated to have commenced at about 7.30 P.M. and to have ended at 10.30 P.M. on 9th April 1964. R.W. 14, who was the Sub-Inspector of Police at Narikudi in April, 1964, would

(4) A.I.R. 1962 Punjab 129.

say that the Hon'ble Sri V. Ramayya, a Minister of the Madras State, addressed a meeting at Eruncheri and that the respondent joined the party in the meeting at about 9 P.M. and accompanied the Hon'ble Minister till Narikudi which was reached at about 12 mid-night. This evidence is firstly inadmissible for the simple reason that there is no averment in the counter that the respondent was at Eruncheri at the time of the alleged Sattur meeting. The second reason for discrediting the evidence of R.W. 14 is that in the General Diary he had not noted that the respondent came to attend the meeting at Eruncheri.

38. I shall take up for consideration the evidence in regard to the meeting held at Elayirampannai on the afternoon of 9th April 1964. As stated already, the respondent has admitted having accompanied the Rajah to Elayirampannai. Therefore, the main question is whether both of them addressed the voters on communal lines and on the ground of religion and region as contended in the application.

39. The three witnesses who have spoken about the election meeting held at Elayirampannai are P.Ws. 16 to 18. The rebuttal evidence is given by R.Ws. 1 (respondent) 8, 9 and 17 (Rajah).

40. The meeting at Elayirampannai is stated to have taken place in the 'Sangham' premises there. P.W. 16, Raju Thevar, a Member of the Panchayat Board at Elayirampannai, stated that on behalf of the respondent a meeting was organized there, that he attended it and that the Rajah who was the first speaker, followed up by the respondent, stated that for the seat of Muthuramalinga Thevar, some Nair from Malabar had been set up, that the persons should vote for Thevar, that the respondent should be made to succeed, and that Thevars should vote for him and assure success. According to him, the respondent said that his brother had said everything, that the Thevars of the locality should support him and that he has nothing more to add to his brother's speech. He knows the petitioner for a decade and more. In his anxiety to impress the Tribunal about the strenuous appeal made by the Rajah to secure votes for his brother, the respondent, and evidently in his desire to support the petitioner fully, he ventured to state that the Rajah addressed for half an hour. But then, when he was asked about the speech, the address got reduced just to these few lines. His version runs thus:—"The Rajah said that the Congress had set up the first respondent for the seat of Muthuramalinga Thevar, that all Thevars in the locality should join together and vote for the first respondent. He did not say anything more". Thus, the reference to a Nair from Malabar for the seat of Muthuramalinga Thevar, which was made in the chief-examination has been significantly dropped.

41. The respondent's evidence was that at Elayirampannai he addressed a reception meeting and that the Rajah too addressed it at about 3.30 P.M. But the Rajah did not stick to the reception meeting alone; he admitted having addressed the meeting at the Sangham building. Whether it was an election meeting or a reception meeting, we have to consider whether both the persons or either of them appealed to the voters to vote for the respondent on the ground of his religion, race, caste, community or language, or to refrain from voting for the petitioner on the ground of his religion, race, caste and community.

42. P.W. 17, Bhaskaran, is a native of Elayirampannai. He described himself as an "uncomplete" S.S.L.C. and stated that he attended the election meeting which was held five or six days prior to the election and that the Rajah and the respondent spoke there. He referred to the words of appeal used by the Rajah and said that he could repeat the words used by Sri Rajaji at a meeting addressed by him. His evidence appears to be artificial. The next witness, Rakkana Thevar, P.W. 18, who is also of Elayirampannai, left off the respondent as one of the persons who addressed the election meeting at that place. He asserted that the Rajah was the only person who spoke. Admittedly, both the Rajah and the respondent had addressed the meeting. Thus it is clear that P.W. 18 could not have attended the meeting, or if he had attended it, his memory is very poor. But then, he wanted to make amends for the omission in the chief-examination, by stating during the course of cross-examination, that "the first respondent spoke at the meeting when it was coming to a close". I do not believe his evidence in regard to the nature of the Rajah's talk to the gathering.

43. On the respondent's side R.W. 8, Krishna Thevar of Elayirampannai, who was referred to by P.W. 16 as the "Mudalali" of the village has given evidence in support of the respondent's case that there was no corrupt practice in the appeal that was made to the voters at the meeting at Elayirampannai. In his cross-examination, it has been elicited that he is a Congressman for two decades and that he is solely interested in agriculture. It was urged that it is very doubtful whether he would have attended the meeting. It is in evidence that the Rajah

was carrying on election propaganda as a Member of the Congress Party and was visiting several villages. R.W. 8 is a prominent person of the village. It is impossible to say that he could not have attended the election meeting which the Rajah addressed on 5th April 1964 at Elayirampannai. His evidence is only by way of rebuttal. The burden as pointed out already, lies only on the petitioner to prove what was the nature of the speech made by the Rajah and his brother, the respondent, at the election meetings. R.W. 9, Dorai Nadar of Elayirampannai stated that he attended the election meeting in his village, that the crowd that was there was just about 300 or 400, that the Rajah was inside the building while part of the crowd was outside and that the Rajah did not refer to Nair at all. There is some conflict between the evidence of R.Ws. 8 and 9 in regard to the persons inside the Sangham building. R.W. 8 asserted that there was none inside the building when the Rajah spoke. But R.W. 9 would distribute the audience within the building and outside it. From this discrepancy it cannot be said that both of them could not have been present at the meeting. It relates to an immaterial point.

44. The Rajah as R.W. 17 stated that at none of the election meetings did he say that the people should vote for the respondent as he is a Maravar or of the Mukkulathor community and as he is his brother, and that he never asked the people not to vote for the petitioner as he is a Malayalee Nair, that is, on the ground of his caste, religion or language. I believe him. It has not thus been satisfactorily established by the petitioner that at the meeting at Elayirampannai the Rajah as well as his brother, the respondent, asked the voters to vote for the latter on the ground that he is a member of the Thevar community, that he is a Tamilian, and that people should not cast their votes in petitioner's favour as he is a Malayalee Nair from Kerala.

45. The petitioner mainly relies upon the evidence in regard to the election meeting held at Sattur on the night of 9th April 1964, to set aside the election of the respondent. The witnesses who speak about the participation of the respondent and the Rajah in the election meeting held there on that date, apart from those connected with the three Dallies referred to already, are P.Ws. 11 to 15. The Rajah admits having addressed the election meeting but not on the lines alleged in the petition. He would say that his brother, the respondent, took leave of him even at Elayirampannai on the afternoon of 9th April 1964 and that he did not attend the meeting at Sattur. As the petitioner mainly relies upon the Rajah's appeal to the gathering at the meeting at Sattur which is alleged to have been briefly adopted by the respondent, I should consider it necessary to repeat here the allegations in the petition in regard to that meeting:—

“Raja Shanmugha Rajeswara Sethupathy (the Rajah) was the main speaker. In the course of his address to the voters he told them that in the place of late Sri U. Muthuramalinga Thevar whom the Mukkulathors worshipped, a Malayalee Nair from Kerala (meaning thereby the petitioner) cannot be substituted and that the attempt would amount to betraying and throwing the Mukkolathu Makkal (the community of Maravars, Ahamediyars and Kallars) into a deep abyss and he the speaker would not be party to it. In a contemptuous tone he exhorted to the voters, posed the question to them as to whether with the hands with which they worshipped their leader, are they asked to worship a Malayalee. According to the speaker it was not proper for his Samuham (thevars) to depend upon a Nair when a chief was necessary for his Samuham. After the Rajah Shanmugha Rajeswara Sethupathi concluded his speech, the first respondent addressed the voters. He endorsed what all his elder brother the Raja Sethupathy had spoken.”

46. P.W. 11, Balakrishnan, a resident of Sattur stated that he attended the election meeting at Sattur which was held in support of the candidature of the respondent and that both the Rajah as well as the respondent addressed the gathering which mainly considered of Mukkulathors. He referred to the manner in which the Rajah appealed to the gathering and that is consistent with the averments in the application extracted above. But his evidence cannot be relied upon for the simple reason that he is a Secretary of the Dravida Munnetra Kazhagam Party which is one of the Parties which supported the Petitioner's candidature. He would go to the extent of saying that the Rajah referred to the petitioner in singular form. I do not think however much the Rajah may be interested in the prospects of his brother, the respondent, he would have ventured to address a public meeting referring to the petitioner who is a Member of the Bar and one who had been set up by the Forward Bloc Party which was successful in that Constituency in the prior Election by electing its leader late Sri

Muthuramalinga Thevar in such a manner. Evidently, the witness felt that he had over-shot the mark in his enthusiasm and therefore when he had the next opportunity immediately, he said that the Rajah referred to the petitioner in a respectable form by using the Tamil word "Avar"

47. The evidence of P.W. 12, Sornamani Nadar, was that he attended the election meeting at Sattur which was held in Rajendra Prasad Maidan in North Car Street between 8 and 10 P.M. and that both the Rajah and his brother, the respondent, besides one Veerappa Naicker, addressed the gathering. According to him, the Rajah said that Muthuramalinga Thevar was dead, that in that seat a Malayalee Nair from Kerala State should not be taken and that the Thevar community should cast their votes in favour of his younger brother. But curiously enough, he would say that the Rajah in his enthusiasm spoke some "un-understandable" words also. He placed the respondent beside the Rajah and said that the former wound up his speech by saying that his brother had referred to all the points he wanted to speak and that all must cast their votes in his favour. In cross-examination he stated that he cannot say what Veerappa Naicker said at that meeting. One cannot understand why this witness should make a distinction between the three speakers and remember vividly the words uttered by two of them and forget totally what the other had said. He could have atleast given the gist of Veerappa Naicker's speech. Probably, he does not want to reveal what he said, lest it should affect the petitioner's case, in the sense that the reports we have in the dailies get connected with his words. Though in chief-examination he would credit the Rajah with having used "un-understandable" words, his evidence in cross-examination was that he is unable to express the words used by the Rajah. Therefore, one cannot believe him when he says that the Rajah appealed in a particular manner to the voters. Another reason why his evidence should be discredited is his inability to say what Sri Rajaji and Sri Rajendran, a cinema actor, said at the meeting held in support of the petitioner's candidature. Admittedly, he had attended all the meetings. He did not give any special reason for being able to repeat either the words of the Rajah or the gist of it in his chief-examination. Thus, the evidence of P.W. 12 must be brushed aside.

48. P.W. 13 who goes by the name Chairman is an impecunious lorry broker. He also spoke about the election meeting at Sattur. He did not say what the respondent said, for, according to him when the latter rose up, he left the meeting place. He spoke about the address of the Rajah at the meeting. He wanted to add weight to his evidence by stating that he is a sympathiser of the Congress Party and that he does not belong to the Forward Bloc Party which had put up the Petitioner as a candidate to contest in the bye-election. But, in re-examination, evidently he forgot his object, and stated that he ceased to be a sympathiser of the Congress Party as he did not like that party. The respondent contested the seat on the Congress ticket. No reliance could be placed upon the testimony of P.W. 13.

49. The next witness on whom reliance was placed to prove that the appeal at the Sattur election meeting by the Rajah would come within the purview of Section 123(3) of the Representation of the People Act, is P.W. 14, Palaniappa Nadar who is the proprietor of a match factory at Elayirampannai, a village which is about eight miles from Sattur. According to him, the important speaker was the Rajah. He referred to two persons as having accompanied the Rajah, that is Veerappa Naicker and Dorairaj Naicker. He did not say that the respondent accompanied the Rajah. Evidently feeling that this omission is a significant one, the petitioner's counsel put the following question to him immediately: "Where was the first respondent then?". The answer was this: "He was seated with the Rajah on the platform in a chair." According to him, the Rajah referred to the petitioner as a person belonging to Kerala and a Nair by caste, that he was just an ordinary Vakil, that persons held Muthuramalinga Thevar as a God, that the Malayalee Nair cannot compete for the seat vacated by Muthuramalinga Thevar and that his brother, being the true representative of the Thevar caste, should be fully supported and votes cast for him. His first version was that after Veerappa Naicker spoke, the respondent addressed the gathering, followed up by Rajah. But subsequently he altered it and said that the respondent spoke only after the Rajah's speech was over. In cross-examination, he stated that he cannot give the speech of Sri Rajaji at a meeting held on the next day, that is, on 10th April 1964 and attended by him. If so, one cannot understand how he is able to recollect vividly the words uttered by the Rajah. I cannot rely on his testimony.

50. The last witness examined on petitioner's behalf in regard to the meeting at Sattur is P.W. 15, Chelliah Thevar, a native of Padanthai, which is just six furlongs from Sattur. He has studied upto the V Class. According to him, two persons addressed the gathering before the Rajah spoke. He admitted that he

cannot say what those two persons said. Again, he admitted that on the next day, that is, 10th April 1964, Sri Rajaji spoke at a meeting, but that he did not note his speech at all. There is nothing to indicate how his memory in regard to the Rajah's speech alone was so strong that he could refer to it during the course of chief-examination. His evidence appears to be artificial and it has to be rejected.

51. The rebuttal evidence on the respondent's side is given both by the Rajah as R.W. 17 and by R.W. 7. The respondent, as stated already, denied having attended the meeting at Sattur. The denial is strengthened by the failure on the part of the Correspondent of the "Maalai-Murasu" Daily (P.W. 28) who attended the Sattur meeting and sent a report to the office of his daily to be embodied in the newspaper, that the respondent addressed the gathering. If the candidate addressed a meeting, one could normally expect the correspondent of a daily to refer to him in his report and not to totally ignore that fact at all.

52. The counsel for the petitioner stated that on the probabilities it must be held that the respondent must have accompanied his brother, the Rajah, when he went to address the election meeting at Sattur. Admittedly, he had gone with him to Elayirampannai which is not far away from Sattur. The election meeting at Sattur took place as programmed. The counsel stated that Sattur is a Taluq Centre with a fairly large population of the Thevar community and a business centre and that when an election meeting is to be held in such a place, one could easily expect the candidate, that is, the respondent, to take part in it, and not to totally avoid it by going elsewhere. But the Supreme Court has pointed out that the onus of establishing a corrupt practice is not discharged on proof of mere preponderance of probability. The Rajah has stated that his brother, the respondent did not attend the meeting at Sattur. Merely because of the relationship, his evidence cannot be ignored. He was prepared to admit that his brother came with him to Elayirampannai. Thus, from the evidence it is clear that the respondent did not take part in the meeting held at Sattur.

53. The Rajah as R.W. 17 denied having asked the voters to vote for his brother, he being a member of the Thevar community, and as he is a Tamilian. He asserted that he did not say that persons should not vote for the petitioner, who is a Malayalee Nair from Kerala. The counsel for the petitioner said that in the instant case the Rajah who is a Member of the Madras Legislative Assembly must be regarded as more than a 'Party' for the simple reason that if the corrupt practice alleged in the application is established, far-reaching consequences would follow. He referred me to Section 140 of the Representation of the People Act and stated that though not in the interest of his brother, the respondent, in his own interest, the Rajah is giving evidence. True, if the allegations in the application get proved, the respondent would lose his seat and the consequences for the Rajah are more serious. But it is too much to say that the love for the Assembly Seat had made the Rajah totally disregard the truth.

54. We have now to consider how far the documentary evidence, that is, the reports in the three Dailies about the Sattur meeting, could be relied upon to substantiate the charge against the respondent. As per the decision in *Ram Chandra v. Emperor* (5), one specimen of a newspaper is not a copy of another specimen of the same newspaper of the same date but that they are all counter-part originals, each being primary evidence of the contents of the rest. That decision is also authority for the proposition that the genuineness of a newspaper should be presumed under Section 81 of the Evidence Act. Another decision which would be in point is the one reported in *Khilumal Topandas v. Arjundas Tulsidas* (6). As per this decision, a report of a speech made in the newspaper is not admissible in evidence to prove the speeches, but that the party must produce the persons who had made the speeches or the persons in whose presence such speeches were made or the reporter of the newspaper in whose presence the speeches were made and who had sent the report to be published in the paper. Of the four categories of persons referred to above, the petitioner cannot be expected to produce the speaker, he being the respondent's brother and one who is alleged to have made the improper speech in the sense that it had offended Section 123 of the Representation of the People Act. The petitioner has examined some of the persons who attended the meeting, that is, P.Ws. 11 to 15, whose evidence has already been considered. There remains for consideration the evidence of the actual reporters and the editors of the three Dailies who published the news on the strength of the reports.

(5) A.I.R. 1930 Lahore 371.

(6) A.I.R. 1959 Rajasthan 280.

55. Exs. A-1 and A-2 are copies of the Daily "Navamani" for dates 11th April 1964 and 14th April 1964. The other documents which are parts of these two issues and on which reliance has been placed by the petitioner are Exs. A-3, A-4, A-19, A-20, A-21, A-22 and A-23.

56. The petitioner's counsel pointed out that these documents being *ante litem motem* they are entitled to much weight. His further argument was that as we find similar reporting in two other Dailies, that is, "Dhina-Malar" and "Maalai-Murasu", which have also been exhibited and the concerned reporters too examined, the reporting in Ex. A-1 must be taken to be correct and the conclusion that the Rajah had made an appeal at the election meeting at Sattur which would be a corrupt practice as per the definition found in Section 123(3) of the Representation of the People Act, is irresistible. I shall consider the correctness of the reporting in the other two Dailies at the proper place when the evidence of the reporter or the correspondent, that is, P.Ws. 10 and 28, is taken up. The other reason that was urged on petitioner's behalf for acceptance of the reports contained in Ex. A-1 is the admitted correctness of part of it by the Rajah, the speaker. But as they relate to the reporting in the "Dhina-Malar", I shall consider the same at a subsequent stage.

57. P.W. 1. Sri Ramalingam, the Editor of "Navamani", stated that Exs. A-1 and A-2 were printed in his Press and the circled portion and the red-marked portion in Ex. A-2 were based on the reports of the Reporter sent to him. According to him, the circled portion in Ex. A-1 (Ex. A-19) was based on a telephonic communication while the red-marked portion in Ex. A-2 (Ex. A-22) was based on a written report. The non-production of the report was explained by saying that it is not preserved for a fairly long time. The meeting was held on 9th April 1964. The witness gave evidence on 30th October 1964. In cross-examination, P.W. 1 stated that the report received from the Correspondent would not go to the Press as such. In answer to a question by the Tribunal, he said that report received would also be "elaborated". Therefore, it was argued on respondent's behalf that it cannot be safely concluded that all the words ascribed to the Rajah in the report were really uttered by him. But then, the petitioner has examined P.W. 2 to prove that the words used by the Rajah were incorporated in his report to the Daily and that they are found repeated in the issue marked Ex. A-1. So far as Ex. A-2 is concerned, P.W. 2, the Staff Correspondent, stated that it is an election "round-up" and that it is based on the "spot-study" by him. He found that the propaganda was made as "Tamilian-Malayalee". He stated that the heading "Tamilian-Malayalee" in Ex. A-2 (for Ex. A-22) is based on the report about the Sattur meeting which he attended and in which the Rajah spoke. He admitted in cross-examination that he had given the opinion, that is, that the election propaganda was as "Tamilian-Malayalee" in Ex. A-2. Ex. A-3 which is found in Ex. A-1 was admitted by P.W. 2 not to be in his language. Another reason for discrediting Ex. A-2 is the admitted delay in sending it. P.W. 2 stated that the 'election round-up' was prepared by him five or six days after he had attended the meetings. It is highly doubtful whether after the lapse of such a time, he would have remembered the words uttered at each of the meetings to come to a definite conclusion about the lines on which the appeal had been made. He has referred to twenty-seven meetings in Ex. A-1. But he admitted that he did not attend all of them. Admittedly, he does not know shorthand and did not take verbatim reports.

58. P.W. 29, the News Editor, "Navamani", stated that Ex. A-19, the parts of which are Exs. A-4 and A-21, was based on a telephonic message, which, as stated already was not placed before the Tribunal. Of course, at this distance of time, the persons connected with the Daily cannot be expected to preserve such records. But that difficulty should not lead to a disadvantage for the respondent. The charge against him must be established beyond all reasonable doubt. In cross-examination, P.W. 29 also admitted that "catchy head-lines" would be given and the background would be added. I have disbelieved the oral evidence of P.Ws. 11 to 15 in regard to the Rajah's speech. From the reports in Ex. A-1 and the election round-up in Ex. A-2, it cannot safely be concluded that the Rajah had requested the voters to vote for the respondent, he being a Marava belonging to the Mukkulathor community and not to vote for the petitioner, a Malayalee Nair from Kerala. There is evidence to show that at the Sattur meeting apart from the Rajah, some other persons also spoke. The possibility of their appeal being treated as that of the Rajah cannot be completely ruled out. The definite case of the petitioner is that it was the Rajah that appealed to the voters to vote for the respondent as a member of the Thevar community and as one who is fit to occupy the seat after the demise of U. Muthuramalinga Thevar who represented that Constituency and that the petitioner is unsuited for the seat, he being a Malayalee Nair from Kerala.

59. A copy of the "Dhina-Malar", a Daily published on 11th April 1964, is marked as Ex. A-13. Exs. A-14 and A-15 are parts of the same. The News Editor of this Daily is P.W. 9 and the Correspondent on whose report the publication was based, has been examined as P.W. 10. The latter stated that he is a native of Sattur, and that he attended the election meeting on 9th April 1964 and heard the speeches of the local people in that gathering, besides that of the prominent speakers, the respondent and the Rajah. His further evidence in chief-examination was that he heard the speeches and recorded the same and sent his note to the "Dhina-Malar" office by post in original. According to him, Ex. A-13 is based on his report. P.W. 9, Sri Adhinarayanan, the News Editor of "Dhina-Malar", stated that P.W. 10 had been directed to 'cover' election meetings at Sattur and send reports and that on his report, Ex. A-13 was published. He asserted that in Exs. A-14 and A-15, he had not added a word himself. According to him, the reports from the Correspondent are destroyed for want of space after some time. P.W. 10 had studied upto the I Form. He admitted that he does not know shorthand. But he noted important portions of the speeches and without correction he sent the same to the "Dhina-Malar" office. According to him, the Rajah spoke for one hour. He noted the names of the other speakers also at the meeting and sent the same to the office. But their names do not find a place in Ex. A-13. His first version was that the notes taken by him as such without taking a copy or correcting it was despatched to the 'Dhina Malar' office. The second version which he gave in answer to a question by the Tribunal was that he used to jot down the notes on one side paper, that on the night he prepared the report on a better paper and that the consolidated report was despatched to the 'Dhina Malar' office. It has also been elicited in cross-examination that from the notes relating to eight meetings, a single report to 'Dhina Malar' office was prepared and sent by him. It is, therefore, very doubtful whether at Sattur meeting where there were speakers other than the Rajah, the latter would have uttered the words ascribed to him in Ex. A-13 which is alleged to be based on the report of P.W. 10.

60. P.W. 10 did not impress me as a person who has any regard for truth. Though he has been a Correspondent for the "Dhina Malar" for a decade, he would go to the extent of saying that he does not know the Editor of that Daily. But subsequently he admitted that P.W. 9 is the Editor.

61. The Rajah, as R.W. 17, admitted that in the meeting he said that he would work against his brother, the respondent, if he stood on any other ticket except the Congress and that there is no other Party except the Congress to rule the land—See paragraphs 15 and 52 of his deposition. In the "Dhina Malar" (*vide* Exs. A-16 and A-13) issue these two statements find a place. It was therefore urged on petitioner's behalf that the reporting is fully correct. The suggested conclusion cannot be drawn from the fact that in regard to a part of the Rajah's speech, there is a correct reporting.

62. Thus, no reliance could be placed upon the publication in the 'Dhina Malar' in regard to the speech of the Rajah at Sattur meeting.

63. Ex. A-17 is a copy of the Daily "Maalai-Murasu" bearing the date 13th April 1964. The other document Ex. A-18 is part of it. The two persons concerned with this document are P.W. 27, the Editor of the "Maalai-Murasu" and P.W. 28, its Correspondent at Sattur.

64. The evidence of P.W. 28 was that he attended important election meetings, made notes and sent them to the Madurai office and that Ex. A-18 is based on his report completely. He admitted that the headlines may not be from his report. According to him, at the Sattur meeting which he attended, the respondent and the Rajah and some Congressmen spoke. In his deposition, I have recorded the Tamil words used by him as having been uttered by the Rajah at the meeting. That part runs to nearly a page. One cannot understand how at this distance of time, this Correspondent, who must have been gathering news at different places attending several meetings of different types, was able to recollect and reproduce the words uttered by the Rajah. He asserted that apart from the date in Ex. A-18 nothing else had been altered from his report. He admitted that he did not visit the five villages referred to in Ex. A-18. According to him, he had a talk with those persons who had visited the villages and given a gist of the same in his report. He stated that he threw away his notes after drafting his report to the office. Though in chief-examination he would assert that the respondent said that he was standing on the Congress ticket, that he was desirous to serve the people and that they should all cast their votes for him, he admitted that in his report he did not embody that the respondent addressed the gathering. This significant omission would very much detract the value of his report. From the witness-box he referred to the 'Thennali Raman Story' as having been given by

the Rajah at the meeting and as having been made part of his report, to the "Maalai-Murasu" office. That story is not found in Ex. A-18. Thus, it is not safe to rely upon Ex. A-18 and conclude that the Rajah must have uttered the words ascribed to him therein and at the Sattur meeting.

65. The petitioner has thus failed to establish that at the Sattur meeting the respondent and the Rajah, committed the corrupt practice as alleged in the application.

66. The averment in the application is to the effect that on 10th April 1964, the Rajah and the respondent addressed a meeting at Sivakasi, Thayilpatti and other places. But evidence was adduced in regard to a meeting that was held at Sivakasi alone.

67. P.W. 25, Rajasekharan, a native of Sivakasi, stated that at about 10 p.m. the meeting was held, that 3,000 persons were present in that meeting place and that the majority of the same was from the Thevar community. According to him, the Rajah, the respondent and a few others spoke at that meeting. He is not a member of any political party. His evidence was that the Rajah said that if votes are cast to one, set up by the opposite party, who is a Nair from Kerala, it would not be possible to honour the seat that had been occupied by Sri Muthu-ramalinga Thevar, that to honour him, his brother who belongs to the Tamil-Nad, that is the respondent, should be given the votes and that the Congress must be made to achieve victory. He further stated that after the Rajah's speech the respondent rose up and said that on his behalf his elder brother had given some ideas and that they may be borne in mind and that votes should be given to him as he belongs to the Thevar community. He appears to be very anxious about the petitioner's success in this application. He would go to the extent of saying that by looking at a man he could say whether he is of Thevar, or Nadar, or Chettiar community, and that with that capacity he made out that the majority who attended the meeting were Thevars. Though he may assert, it may be safely stated that it is impossible to find out a man's community from his mere personal appearance. Even assuming that such is possible, one cannot say whether this witness went about looking at persons in that meeting, or was doing the more proper thing of listening to the speakers. His evidence in chief-examination would indicate that he was very keen on hearing the Rajah's speech. He could not have known the community of the persons who had attended the meeting. It might be just possible for him to note those few who were very close to him either by his talk with them or by the fact that he had already known them, he being a native of Sivakasi. But his evidence that the majority of the crowd was from the Thevar community cannot be accepted at all. I cannot rely on the testimony of this witness.

68. The other witness who also spoke about the meeting at Sivakasi is P.W. 26, K. K. Swami. He is running a "beeda" stall at Virudhunagar Road. Though in chief-examination he asserted that he is a native of Sivakasi, he admitted in cross-examination that his house is at Thiruthangal. According to him, the Rajah said that the respondent who belongs to the Mukkulathor caste, was standing for the election, that he was opposed by a Forward Bloc candidate, a Nair by caste, bearing the name Velayudha Nair and that the people of the place should elect the respondent who belongs to the Thevar community to occupy the seat of 'Thevar' in the Thevar Constituency. His version is not fully consistent with that given by P.W. 25 in regard to the words used by the Rajah. It is very doubtful whether this witness would have left his "beeda" stall and gone for the meeting. He admitted in cross-examination that there is no one else to attend the beeda-stall and that he would always be having customers. It has not been elicited from him as to how he felt that he must close the stall on that night and go to the meeting place when his custom is to keep open his stall even on Sundays.

69. The evidence of P.W. 26 in cross-examination that as there was "tom-tom" that Rajah was going to speak and as there was a notice-board to the effect that the Rajah was going to address, he says that the Rajah addressed the meeting, would in a way indicate that he could not have attended the meeting. He does not appear to be interested in the election, for, he admitted that he did not exercise his franchise at all. Towards the end of the cross-examination he stated that he attended a meeting addressed by Sri Rajaji but that he cannot give even the substance of that speech. He did not give any special reason why the Rajah's speech alone is still fresh in his memory for him to give us the gist of it. His evidence has to be rejected.

70. The respondent, as R.W. 1, has stated that he did not address any meeting at Sivakasi on 10th April 1964 and that at that time he was at Aruppukottai. The Rajah, as R.W. 17, admitted having addressed the meeting. According to

him, a public meeting was arranged at 7.30 P.M. but that it did not take place as per schedule; it commenced only at 10 P.M. He deposed that the respondent did not meet him at Sivakasi at all on that date. I see no reason to disbelieve him. The other witness who has given the negative type of evidence is R.W. 16, Krishnaswami. According to him, the respondent did not attend the meeting at Sivakasi; the Rajah spoke at the meeting but that he did not appeal on communal lines at all. His evidence is sought to be discredited on his admission in cross-examination that the majority of the Councillors of the Sivakasi Municipality, in which he is a Fitter, belong to the Congress Party. It is too much to say that the Party in power in the Sivakasi Municipality would have forced R.W. 16 to figure as respondent's witness and deny his presence at the meeting at Sivakasi on 10th April 1964 and also state that the Rajah addressed on proper lines, that is, without committing any corrupt practice as per the definition of the term in the Representation of the People Act. Thus, the allegations in the application in regard to the meeting at Sivakasi have not been substantiated at all.

71. The allegations in the application are to the effect that on 11th April 1964 election meetings were held at Nallur and other places and that the Rajah and the respondent addressed the gathering on the lines in which the addresses were delivered in the other places. But no evidence was adduced on petitioner's side in regard to the election meeting at Nallur.

72. The next election meeting is stated to have been held at Tiruchuli on 12th April 1964. The witnesses who speak about the Rajah's address in that meeting on petitioner's side are P.Ws. 19 to 22. R.W. 1 (respondent) has denied having gone to that meeting. The Rajah has also given similar evidence, that is, that he alone had addressed, but not the respondent. The other witness on whom reliance is placed by the respondent to disprove this part of the petitioner's case is R.W. 2, Sivanarayana Pillai.

73. P.W. 19, Ramiah Pillai, a native of Thiruchuli and the President of the Panchayat, stated that a week before the election date there was a meeting at Tiruchuli at 'Kamraj Maidanam' at about 7.30 P.M. which was attended by the Rajah, Muthuswami Thevar, the Yuva Rajah Kasinath Dorai (respondent) and some others. His further evidence was that Srengam Pillai, Peria Rajah (R.W. 17), his brother (R.W. 1) and a few others addressed. The Rajah, according to him, said that the Congress Party had done much good, that his brother was standing on the Congress ticket, that persons should vote for him, that a Malayalee Velayudha Nair had been made to stand in that Constituency and that in the birth place of the 'Thevar', they had not been able to get a Thevar. In a laughing mood, he referred to the speech of the respondent. He admitted in cross-examination that at Tiruchuli there would be just fifty houses of the Thevar community out of the 3,500 houses in his place. The Rajah cannot be expected to appeal to Thevars when they were in such a negligible minority. His evidence cannot be relied upon.

74. P.W. 20, Sankaravelu Thevar, also stated that the Rajah addressed the gathering followed up by the respondent. The gist of the speech, given by him is not consistent with that given by P.W. 19. He began by saying that people from all villages including Tiruchuli attended the meeting. Evidently he said so because P.W. 19 who was examined before him gave the number of houses belonging to Thevars at Tiruchuli to be fifty out of a total of 3,500 houses, and to make it appear that the majority of the persons who came for the meeting was from the Thevar community, so that the Rajah could have thought of appealing to the Thevars, that is, on communal basis. But the number got reduced to fifty in the course of cross-examination. Apart from the Rajah, four other persons are stated to have addressed the gathering. The witness was giving evidence on 10th November 1964, that is, after the lapse of about seven months from the date of the meeting. It is very strange that he is able to recollect the words uttered by the Rajah and those by Srengam Pillai, one of the speakers. I cannot rely on his testimony.

75. The next witness, P.W. 21, Sangu Pandithan, stated that he attended the election meeting at Tiruchuli which was addressed by Srengam Pillai, the Rajah and the respondent. He referred to the gist of the speech by each one of them. According to him, one Chokkalingam Pillai also addressed the gathering and requested the voters to vote for the respondent. But when he was asked about the further speech of Chokkalingam, he stated that he did not know. One cannot understand how he was inclined to hear fully the speech of the Rajah and Srengam Pillai and how he is now able to remember those words at this distance of time, that is, after the lapse of about seven months from the date of the meeting.

76. P.W. 22, Guruswami Pillai, a native of Tiruchuli, was the last person to speak about the Tiruchuli meeting on the petitioner's side. The meeting according to him commenced at about 7 P.M. and the speakers were Srirangam Pillai, the Rajah, Chokkalingam Pillai and the respondent. Though P.W. 20 would assert that people from all the villages attended the meeting, it has been elicited from this witness that those in the surrounding villages alone attended the meeting. His evidence appears artificial. He owns a house. But he stated that he does not remember its door number. Somehow, he remembers the speech of one of the speakers at an election meeting held several months back, that is, the Rajah.

77. R.W. 2, Sivanarayana Pillai, a native of Tiruchuli, who was the President of the Panchayat for three decades, stated that the Rajah addressed the election meeting held at Tiruchuli, that the respondent did not attend the meeting at all, and that there was no appeal on communal lines. He was a member of the Congress Party between 1928 and 1937. Then he joined the Forward Bloc; but, from 1958, according to him, he has not been a member of any political party. The Panchayat Board admittedly instituted an action against him. But he would go to the extent of saying that he does not remember who the plaintiff's Vakil was. He said that he knew the Rajah and the respondent for forty years. To prove that this witness is purposely suppressing the fact that the petitioner herein was the Counsel for the plaintiff in the civil suit referred to above, the petitioner filed I.A. No. 2 of 1965 for admitting the certified copy of the Suit Register Extract relating to that suit. That application was opposed. It being a public document, and as admittedly the Panchayat Board had filed a suit against R.W. 2, that application was allowed and the document was marked as Ex. A-25. A perusal of Ex. A-25 would show that it was Sri Velayudha Nair, the petitioner herein, that had appeared for the plaintiff in that suit. Thus, the evidence of R.W. 2 cannot be accepted. But on the evidence of R.W. 1 and that of the Rajah, it must be held that the former did not attend the meeting at Tiruchuli and that the latter did not appeal to the voters on the ground that the respondent is a Thevar and should be fully supported and that the petitioner should not, he being a Malayalee Nair from Kerala. I have already stated how the evidence of the four witnesses, P.Ws. 19 to 22, cannot be relied upon.

78. We now come to the last of the places, that is, Aruppukottai, in which the election meeting is alleged to have been held on 13th April 1964, supporting the candidature of the respondent. The petitioner examined two witnesses (P.Ws. 23 and 24) to substantiate the allegations contained in the application. The rebuttal evidence is given by R.Ws. 1, 6 and 17, the Rajah.

79. P.W. 23, Ethirajulu Nayudu, stated that at Sivan-koil Maidanam, a meeting was held, that there was a crowd of 4,000 persons, that the speakers were Kadambavana Sundaram, Srirangam Pillai, the Rajah and the respondent and others. He then referred to the speech of the Rajah. The crowd which was just 4,000 in chief-examination somehow got swelled to 6,000 when we come to cross-examination. The increase is not without significance. Evidently, the witness felt that it should be made to appear that the appeal by the Rajah which was on wrong lines, reached many ears. P.W. 23 did not answer questions properly in cross-examination. He admitted that there was nothing special for him to attend the meeting. He would give the date of the meeting as the 13th. But when he was asked about the meeting presided over by Sri Rajaji, he stated that he does not know the same. No reliance could be placed upon the evidence of this witness.

80. P.W. 24, Sri Kamakshi Chettiar, a native of Aruppukottai, and a Municipal Councillor of that place, stated that a meeting was held on the 13th, that is, two days before the Election, and that 6,000 persons would have attended it. Such evidence was evidently elicited from him on account of the discrepancy in the version of P.W. 23. It does not very much matter whether the crowd was 4,000 or 6,000. But from the way in which this witness gave evidence, the conclusion that it is artificial seems to be irresistible. As soon as he entered the witness-box, he turned round and stood with folded hands on seeing the picture of Gandhiji in the Court-hall. Thereafter alone, the Chief-examination commenced. There must be some purpose for the witness to do so. This witness does not remember the date on which he addressed his own election meeting. I have already stated that he is a Municipal Councillor. In chief-examination he gave the Rajah's speech which runs to a little over two pages. He would say that he had repeated the words used by the Rajah. It is impossible at this distance of time to repeat the very words used by the Rajah which runs to two pages, for a person who is not able to remember the date on which he addressed his own election meeting.

81. R.W. 6, Malliah Sarma, a native of Aruppukottai who is running a 'javuli' and 'maligai' business, stated that the Rajah alone addressed the meeting, that

the respondent did not attend it at all and that he is able to remember the opening words of the Rajah. The Rajah, as R.W. 17, admitted having addressed the meeting at Arupukottai on 13th April 1964 at about 9.30 p.m. but stated that the respondent did not attend it at all and that he never made any appeal on communal lines. He stated that he never referred to the petitioner as "Malayalee Nair". R.W. 1, the respondent, said that on 13th April 1964, he did not address any meeting at Tiruchuli but he spent the night at Thirumalai-andan-koil. R.W. 5, Meenakshisondaram Pillai, who is a Trustee of the Thirugnanasambandar Madam at that place, has also stated that on the night in question at about 7.30, the respondent came to halt at the Madam and that on the next morning he left the place. The burden of showing that at Arupukottai the respondent and the Rajah addressed the gathering and that their speech was as alleged in the application lies heavily on the petitioner and it has not been discharged at all.

82. My findings on Issues 1 and 2 are that the respondent is *not* guilty of the corrupt practices of having appealed to the voters to vote for him on the ground of his caste and community, as set forth in paragraph 8 and sub-paragraphs 8(a) to 8(n) of the application, and that he is also *not* guilty of the corrupt practice of having appealed to the voters to refrain from voting for the petitioner on the ground of his caste, community, region and language, as alleged in the same paragraphs. The first part of Issue No. 4 is found against the petitioner. The latter half of Issue No. 4 does not arise for consideration.

83. *Issue Nos. 3 and 5.*—The averment in paragraph 12 of the main application is that by the "systematic speeches and campaigns, the first respondent and persons who spoke with his consent, for the furtherance of the prospects of the respondent and for prejudicially affecting the election of this petitioner, there was promotion or in any event attempt to promote feelings of enmity and hatred between the Mukkulathors of Tamilnad and the Malayalam Nairs of Kerala, all citizens of India, on grounds of race, caste, community and language". While discussing the evidence adduced on either side under Issue Nos. 1, 2 and 4, I have held that there was no appeal by the respondent or the persons referred to in paragraphs 8(a) to 8(n) of the application to the voters to vote for him (respondent) on the ground of his caste, community, region and language, and not to vote for the petitioner on the ground of his (petitioner's) caste, community, region and language. There is no evidence to show that in the election speeches which were mainly admitted to have been made by the Rajah (R.W. 17), and at one place, that is Elayirampannai, by the respondent there was any attempt to promote feelings of enmity and hatred between the Mukkulathors of Tamilnad, to which the Returned Candidate belongs, and the Malayalam Nairs of Kerala, to which the petitioner, the unsuccessful candidate, belongs. Both the issues are found against the petitioner.

84. *Issue No. 6.*—This issue would arise for consideration only if it is held that there was a 'corrupt practice' as contemplated under Section 123(3) of the Representation of the People Act. As Issues 1 to 5 have been found against the petitioner, this issue should also be found against him. Further, no attempt was made by the petitioner to show that the alleged appeals materially affected the result of the Election. The petitioner had secured 1,31,281 votes. The Returned Candidate got 1,38,358 votes. The difference is 7,077. There is no evidence to show how many of the voters who attended the several election meetings were influenced by the alleged appeals. I have already stated that though reference is made in the application to speeches made by the Rajah and other persons on behalf of the respondent in as many as thirty named villages, besides other places, the petitioner attempted to prove the allegations in the application in regard to a few of them, that is, eight. This issue is also found against the petitioner.

85. *Issue Nos. 7 to 9.*—On 30th October 1964, the first witness for the petitioner was examined. A few days thereafter, that is, on 5th November 1964, an endorsement was made by the petitioner and his counsel on the application itself that no evidence will be adduced in regard to these Issues. In consonance with that endorsement, the petitioner did not adduce any evidence. Therefore there was no rebuttal evidence as well. These three issues are found against the petitioner.

86. *Issue No. 10.*—On my findings on Issues 1 to 6, it follows that the election of the respondent (first respondent) cannot be declared void. My finding is that the election of the first respondent to the House of the People, representing the Arupukottai Parliamentary Constituency of the Madras State is *not* void.

87. *Issue No. 11.*—The petitioner has failed to substantiate the allegations in the application in regard to the corrupt practices either by the respondent or by any one who could be designated as his 'agent', or by other persons, with his

consent. The petitioner cannot therefore be declared as the duly elected Member of the Parliament from the Aruppukottai Constituency. The issue is found accordingly.

88. *Issue No. 12.*—The petitioner is not entitled to any of the reliefs prayed for. The application is dismissed under Section 98 of the Representation of the People Act with costs. The petitioner has failed to prove any of the corrupt practices alleged in the application. The contesting respondent (first respondent), the Returned Candidate alone is entitled to claim costs. Having regard to the number of days spent for the trial of the application and the witnesses examined on either side, I fix the Advocate's fee at Rupees One Thousand Five Hundred.

89. I thank the two Counsels for the petitioner, Sri R. Harihara Ayyar and Sri B. Sankaranarayana Ayyar, and the Counsels for the respondent, Sri S. Narayanaswami Sastri and Sri P. Subramaniam, for the very valuable assistance which they rendered in the conduct of this case during the three months in which the application was heard.

Dictated to the steno-typist, transcribed by him, corrected and pronounced by me in open Court, this the 20th day of January, 1965.

(Sd.) T. S. ANAVARADHAM,
Election Tribunal.

Ramanathapuram at Madurai.

LIST OF DOCUMENTS FILED

By the Petitioner:—

- A-1, 11th April 1964—Copy of the Daily "Navamani" for the date 11th April 1964, for the Madras City, and 12th April 1964, for moffusal.
- A-2, 14th April 1964—Copy of the Daily "Navamani" for the date 14th April 1964, for the Madras City, and 15th April 1964, for moffusal.
- A-3, 11th April 1964—Portion marked in red colour in Ex. A-1.
- A-4, 11th April 1964—Portion marked in red colour in Ex. A-1.
- A-5, Manuscript matter placed with P.W. 3 for printing.
- A-6, Printed proof in respect of Ex. 5-A.
- A-7, 27th March 1964—Counterfoil of (No. 73) order placed with P.W. 3.
- A-8, Printed notice out of Ex. A-6.
- A-9, Specimen order form (in print) of P.W. 3's Press.
- A-10, Manuscript matter for printing placed with P.W. 4.
- A-11, 4th April 1964—Counterfoil of bill (No. 1056) of P.W. 4.
- A-12, Printed Tour-programme of Sri R. Shanmuga Rajeswara Sethupathi, M.L.A., in Mudukulattur Taluk.
- A-13, 11th April 1964—Portion marked at page 6 of the "Dhina-Malar" issue dated 11th April 1964 (Columns 4, 5 and 6).
- A-14, 11th April 1964—Portion marked at page 6 of the "Dhina-Malar" issue dated 11th April 1964 (Column 6).
- A-15, 11th April 1964—Headlines (marked) at page 6 of the "Dhina-Malar" issue, dated 11th April 1964 (For Exs. A-13 and A-14).
- A-16, 7th April 1964—Portion marked at page 1 of the issue "Dhina-Malar", dated 7th April 1964 (Columns 3 to 6).
- A-17, 13th April 1964—Copy of "Maalai-Murasu" for the date.
- A-18, 13th April 1964—Portion marked at page 4 (Columns 3 and 4).
- A-19, 13th April 1964—Marked portion in Ex. A-1.
- A-20, Part of Ex. A-4 (Ex. A-19) indicated in pencil.
- A-21, Part of Ex. A-4 (Ex. A-19) indicated in pencil.
- A-22, Red-marked part of Ex. A-2.
- A-23, Pencil-marked part in Ex. A-22.
- A-24, 6th April 1964—Reverse side of Ex. B-17.
- A-25, 22nd December 1964—Certified copy of the Extract from the Suit Register relating to O.S. No. 290/1962, D. M. C. Manamadurai.

By the first Respondent:

- B-1, 25th March 1964—Counterfoil of Order No. 68 placed with P.W. 3's Press.
- B-2, 25th March 1964—Counterfoil of Order No. 69 placed with P.W. 3's Press.
- B-3, 25th March 1964—Counterfoil of Order No. 70 placed with P.W. 3's Press.
- B-4, 25th March 1964—Counterfoil of Order No. 71 placed with P.W. 3's Press.
- B-5, 26th March 1964—Counterfoil of Order No. 72 placed with P.W. 3's Press.
- B-6, 27th March 1964—Counterfoil of Order No. 74 placed with P.W. 3's Press.
- B-7, 30th March 1964—Counterfoil of Order No. 75 placed with P.W. 3's Press.
- B-8, 11th April 1964—Headlines at page 5 (columns 5 and 6) of the "Dhina-Malar" issue, dated 11th April 1964.
- B-9, 7th April 1964—Headlines at page 1 (columns 1 to 8) of the "Dhina-Malar" issue, dated 7th January 1964.
- B-10, 13th April 1964—Portion marked in the "Maalai-murasu" for the date (Ex. A-17) (Page 1) (Columns 1 and 2).
- B-11, Report of the Peishkar of Rameswaram Temple.
- B-12, Entry at page 20 of the 'Parivattam' Register of the Rameswaram Devasthanam.
- B-13, Office-note and orders for offer of 'Parivattam' (Page 7 from a file).
- B-14, 7th April 1964—General Diary Entry at page 6 of the Aruppukottai Town Police-station.
- B-15, 7th April 1964—Entry for the date in the note book (Page 61) kept by R.W. 11.
- B-16, 7th April 1964—Welcome address presented to the Chief Minister by R.W. 12 (rendered to print).
- B-17, 6th April 1964—Entry at page 9 of the General Diary of the Tiruchuli Police-station.
- B-18, 9th April 1964—Entry at page 9 of the General Diary of the Narikudi Police-station.
- B-19, 7th April 1964 to 10th April 1964—Note book entries for the dates maintained by R.W. 15.

LIST OF WITNESSES EXAMINED

By the Petitioner:—

- 1. Sri O. Ramalingam (Editor, "Navamani").
- 2. Sri B. Kalyanasundaram (Staff-Correspondent, "Navamani").
- 3. Sri Soundarapandian (Proprietor, "Udaya-Suryan Acchakam").
- 4. Sri Sundaralingam (Proprietor, "Siddhi Vinayagar Press").
- 5. Sri Guruswami Chettiar.
- 6. Sri Subbiah Thevar.
- 7. Sri Singarama Konar.
- 8. Sri Ramakrishnan.
- 9. Sri Adhinarayanan (News Editor, "Dhina-Malar").
- 10. Sri Mottayandi.
- 11. Sri Balakrishnan.
- 12. Sri Sornamani Nadar.
- 13. Sri Chairman.
- 14. Sri Palaniappan.
- 15. Sri Chelliah Thevar.
- 16. Sri Raju Thevar.

17. Sri Bhaskaran.
18. Sri Rakkana Thevar.
19. Sri Ramiah Pillai.
20. Sri Sankaravelu Thevar.
21. Sri Sangu Pandithan.
22. Sri Gurusami Pillai.
23. Sri Ethirajulu Nayudu.
24. Sri Kamakshi Chettiar.
25. Sri Rajasekaran.
26. Sri K. K. Sami.
27. Sri N. Natarajan (Editor, "Maalai-Murasu").
28. Sri Ponmal Adigal.
29. Sri M. Shanmugavel (News Editor, "Navamani").

By the first Respondent:

1. Sri R. Kasinath Dorai (first respondent).
2. Sri Sivanarayana Pillai.
3. Sri Subblah Thevar.
4. Sri Karuppasami Thevar.
5. Sri Meenakshisundaram Pillai.
6. Sri Malliah Sarma.
7. Sri Shanmugha Nadar.
8. Sri Krishna Thevar.
9. Sri Dorai Nadar.
10. Sri Srinivasaraghavan.
11. Sri Natarajan (Sub-Inspector of Police).
12. Sri Ochappan.
13. Sri Devarajan (Police-constable 1993).
14. Sri Sankaran Pillai (Sub Inspector of Police).
15. Sri K. Subramaniam (Sub Inspector of Police).
16. Sri Krishnaswami.
17. Sri Shanmuga Rajeswara Sethupathi (Member, Legislative Assembly).
18. Sri Dhanushkodi Nadar.
19. Sri Ramamoorthi (Clerk, H.R. & C.E. Department).

(Sd.) T. S. Anavaradham,
Election Tribunal,
Ramanathapuram at Madurai.

[No. 82/13/64.]

By Order,

A. N. SEN, Under Secy.

New Delhi, the 8th February 1965

S.O. 593.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 81 of the Representation of the People Act, 1951, and in supersession of its notification No. 83/64, dated the 30th December, 1964, the Election Commission hereby appoints Shri A. N. Sen, Under Secretary to the Election Commission as an officer who may also receive election petitions presented in accordance with the provisions contained in Part VI of the said Act.

[No. 83/65.]

New Delhi, the 11th February 1965

S.O. 594.—The following Order of the Chief Election Commissioner is published for general information:—

ORDER No. 18

In exercise of the powers conferred by Section 8 of the Two-Member Constituencies (Abolition) Act, 1961, I hereby make the following corrections in Schedule VII of the Delimitation of Parliamentary and Assembly Constituencies Order, 1961:—

In part B of the said Schedule,

(i) in the entry in column 2 against 94-Kangayam, for “Kangayam, Vellakoll and Kolumanguli firkas in Dharapuram taluk” read “Kangayam, Vellacoil and Uthiyur firkas in Dharapuram taluk”.

(ii) for entries 97, 98, 99, 167 and 168, the following shall be substituted:—

97. Anamalai (SC)—

Pollachi taluk (excluding Ramapatnam, Pollachi, Kolarpatti Koilpalayam and Kinathukadavu firkas but including Marchinayakanpalayam village in Ramapatnam firka and Thensangampalayam, Somandurai and Thenchittur villages in Pollachi firka).

98. Pollachi—

Pollachi firka (excluding Thensangampalayam, Somandurai and Thenchittur villages), Ramapatnam firka (excluding Poravipalayam, Servaikarampalayam and Marchinaichenpalayam villages) and Kolarpatti firka in Pollachi taluk.

99. Koilpalayam—

Koilpalayam and Kinathukadavu firkas, Poravipalayam and Servaikarampalayam villages in Ramapatnam firka in Pollachi taluk; and Gudimangalam firka in Udamalpet taluk.

167. Adirampattinam—

Adirampattinam and Madukkur firkas, Thuvarankurichi firka (excluding Thuvarankurichi, Irumagaleri, Anaikkadu Ponnaravayankottai, Vendakottai, Ponnaravayankottai-Ukkadai and Nattuchalai villages), and Alathur and Mahadevapuram villages in Pattukkottai firka in Pattukkottai taluk; and Orathanad and Tondarmpet firkas, Nemmeli Thippiakudi village in Silathur firka and Eachankottai firka (excluding the villages specified in item (23) and (27) of the Appendix) in orathanad taluk.

168. Pattukkottai—

Pattukkottai firka (excluding Alattur and Mahadevapuram villages) and Amanichatram, Peravurani, Thiruchitrambalam, Perumagalore, Keeramangalam and Andikkadu firkas, and Thuvarankurichi, Irumagaleri, Anaikkadu, Ponnaravayankottai, Vendakottai, Ponnaravayankottai-Ukkadai and Nattuchalai villages in Thuvarankurichi firka, in Pattukkottai taluk.

(iii) after item 206, the following note is added, namely:—

“Note—The reference to districts and other territorial divisions in the entries in column 2 against items 87 to 107 and 105 to 169 shall be taken to mean the areas comprised therein on the 1st day of August, 1964”.

K. V. K. SUNDARAM,
Chief Election Commissioner.

New Delhi,

Dated the 25th January, 1965.

[No. 282/MD/62.]

By Order,
PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th February 1965

S.O. 595.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Tripura Employees (Revision of Pay and Allowances) Rules, 1963, published with the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 516 dated the 4th February, 1964, namely:—

1. These rules may be called the Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1965.

2. In Part I of Schedule I to the Tripura Employees (Revision of Pay and Allowances) Rules, 1963—

(i) under the heading "Secretariat" in the instructions relating to item 1, the entries in column 5 shall be omitted.

(ii) under the heading "Industries Department" after item 78, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

1	2	3	4
"79. Medical Officers (Industrial Training Institute).	Rs. 150—5—240—10—300	(i) Rs. 225—10—315—EB—10—325—15—475. (For those with M.B.B.S. or M.M.F. qualification). (ii) Rs. 200—10—290—EB—10—400. (For Licentiatees)"	

(iii) under the heading "Police Department" after item 24, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

1	2	3	4
"25. Sub-Inspector of Police (Armed and unarmed).	Rs. 150—4—194—EB—4—230—5—250. Plus Special pay of Rs. 35/- p.m. for special branch and Special pay of Rs. 25/- p.m. for Police Training School.	Rs. 200—10—290—EB—10—350. Plus Special pay of Rs. 35/- p.m. for special branch and Special pay of Rs. 25/- p.m. for Police Training School."	

(iv) under the heading "Public Works Department" after item 32, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

1	2	3	4
"33. Mechanic/Additional mechanic.	Rs. 110—4—150.	Rs. 140—5—210.	
"34. Assistant mechanic	Rs. 50—1—61—EB—1—68—2—80.	Rs. 100—3—136—4—140.	
"35. Power House Supervisor	Rs. 200—15—350—EB—25—400.	Rs. 200—10—290—EB—10—400"	

[No. 2/57/63-MT.]

J. N. GUPTA, Under Secy.

New Delhi, the 8th February 1965

S.O. 596.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences and classes of offences in addition to those specified in the Notifications of the Government of India in the Ministry of Home Affairs (Administrative Vigilance Division) Nos. 25/12/62-AVD-I, dated the 18th February, 1963 as amended by Notifications No. 25/3/60-AVD-II, dated the 1st April, 1964 and 25/9/64-AVD, dated the 1st September, 1964 for the purpose of the said section, namely:—

- (i) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878),
- (ii) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65(1)-AVD.II.]

ORDER

New Delhi, the 8th February, 1965

S.O. 597.—In exercise of the powers conferred by section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the States of Madhya Pradesh and Kerala for the investigation of offences punishable under section 9 of the Opium Act, 1878 (1 of 1878), and under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65-(II)-AVD-II.]

A. P. VEERA RAGHAVAN, Dy. Secy.

New Delhi, the 11th February 1965

S.O. 598.—In pursuance of clause (1) of article 239 of the Constitution and in partial modification of the notification of the Government of India in the Ministry of Home Affairs No. F. 2/12/61-Judl.II, dated the 18th December, 1961 [published as S.O. 2993 in the Gazette of India, Part II, sub-section (ii) of section 3 dated the 23rd December, 1961], the President hereby directs that the powers and functions of the State Government under section 27 of the Road Transport Corporation Act 1950 (64 of 1950) shall, subject to the control of the President and until further orders, be exercised and discharged by the Lieutenant Governor of the Union territory of Himachal Pradesh and the Chief Commissioner of the Union territory of Tripura within their respective jurisdiction.

[No. F. 2/1/65-UTL.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 11th February 1965

S.O. 599.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the Government of Mysore, with the consent of that Government, the functions of the Central Government under the Land Acquisition (Mysore Extension and Amendment) Act, 1961 (Mysore Act 17 of 1961) in relation to acquisition of land in the State of Mysore for the purposes of the Union.

[No. F. 19/12/65-J.II.]

B. SHUKLA, Dy. Secy.

New Delhi, the 11th February 1965

S.O. 600.—The Central Government is pleased to notify that Raja Bahadur (Yuvraj) Ranjit Singh son of Maharaja of Samthar has been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P.IV, dated the 13th July, 1962 [GSR No. 991 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 28th July, 1962].

[No. 16/2/65-P.IV.]

G. L. BAILUR, Under Secy.

गृह मंत्रालय

नई दिल्ली 11, फरवरी, 1965

एस० ओ० नं० 601—भारत सरकार को यह अधिसूचित करते हुए हर्ष है कि समथर के महाराजा के पुत्र राजा बहादुर (युवराज) रणजीत सिंह उक्त शासक द्वारा गृह मंत्रालय की 13 जुलाई 1962 का अधिसूचना संख्या 15/13/59-(V) पार० (iv) के साथ संलग्न प्रथम अनुसूची की प्रविष्टि 2 (ख) भारत के राजपत्र भाग II खण्ड 3 उप-खण्ड (ii) दिनांक 28 जुलाई, 1962 में प्रकाशित जी० एस० आर० संख्या 991 के लिये नामित किए गए हैं।

[संख्या 16/2/65 पी० iv]

जी० एस० बेनूर,

अवर सचिव, भारत सरकार।

New Delhi, the 12th February, 1965

S.O. 602.—In pursuance of clause (2) of article 222 of the Constitution, the President hereby makes the following order, namely:—

That Shri Justice Ramaswami Lakshmi Narasimham, who was transferred from the Orissa High Court to the Patna High Court shall be entitled to receive in addition to his salary, a compensatory allowance at the rate of rupees four hundred per mensem for the period of his service as Chief Justice of the Patna High Court.

[No. 6/1/65-Judl. I.]

P. K. DAVE, Jt. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 9th February 1965

S.O. 603.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules namely:—

1. **Short title.**—These rules may be called the Ministry of Finance, Department of Expenditure (Assistants excluded from the Central Secretariat Service) Recruitment Rules, 1965.

2. **Application.**—These rules shall apply to the posts specified in the column 1 of the Schedule annexed hereto.

3. **Number of posts, Classification, scale of pay etc.**—The number of posts, their classification and the scale of pay attached thereto are as specified in columns 2 to 4 to the said Schedule.

4. **Method of recruitment, age limit, qualifications, etc.**—The method of recruitment to the posts, age limit, educational qualifications and other matters connected therewith shall be as specified in columns 5 to 14 of the said Schedule.

5. **Disqualifications.**—(a). No person who has more than one wife living or who, having a spouse living, marries in any case in which such marriage, is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service; and

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the service:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

SCH 8

Recruitment rules for Assistant (Excluded from the C.S.S.)

Name of Post	No. of post	Classification	Scale of pay	Whether selection post or non-selection post.	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees.
1	2	3	4	5	6	7	8
Assistant	22 Further strength to be determined from time to time in accordance with the provisions of Rule 7 of the Central Secretariat Service Rules, 1962.	General Central Service (Class II) (Ministerial) (Non-Gazetted)	Rs. 210—10— 270—15—300 —EB—15—450 —EB—20—530. (emoluments of persons appointed will be regulated by current Government orders relating to deputation allowances).	N.A.	N.A.	N.A.	N.A.

NOTE.—N.A.

DULE

In the Ministry of Finance (Department of expenditure)

Period of probation, if any.	Method of recruitment whether by direct recruitment or by deputation, transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion, deputation, transfer, grades from which promotion, deputation, transfer to be made.	If a Departmental Promotion Committee exists what is its composition.	Circumstances in which UPSC is to be consulted in making recruitment.	REMARKS
9	10	11	12	13	14
N.A.	By transfer on deputation ; Period of deputation normally 3 years which may be extended by controlling authority in the interest of public service.	From the grade of Accountants of Indian Audit and Accounts Departments, Defence Accounts Department and Senior Accountants of Posts & Telegraphs Department.	N.A.	As required under the rules.	These posts will be treated as excluded from the CSS so long as they are held by S.A.S. Accountants from the Indian Audit & Accounts Department, Defence Accounts Departments and Senior-Accountants from Posts & Telegraphs Departments, and will be treated as included when held by Assistants of the Central Secretariat Service.

=Not applicable.

[No. 9(2)-E.I.(B)/63.]
PREM NATH, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 15th February 1965

S.O. 604.—Statement of the Affairs of the Reserve Bank of India, as on the 5th February, 1965

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	25,52,54,000
		Rupce Coin	3,35,00,000
Reserve Fund	80,00,00,000	Small Coin	11,38,00,000
National Agricultural Credit (Long Term Operations) Fund	86,00,00,000	Bills purchased and discounted:—	
		(a) Internal
		(b) External
National Agricultural Credit (Stabilisation) Fund	9,00,00,000	(c) Government Treasury Bills	66,52,97,000
National Industrial Credit (Long Term Operations) Fund	10,00,00,000	Balances held Abroad*	5,77,63,000
		Investments**	161,65,71,000
		Loans and Advances to:—	
		(i) Central Government
		(ii) State Governments@	46,37,16,000
Deposits:—		Loans and Advances to:—	
(a) Government:		(i) Scheduled Banks†	77,45,27,000
		(ii) State Co-operative Banks††	153,40,09,000
		(iii) Others	2,63,09,000

LIABILITIES		Rs.	ASSETS		Rs.
(i) Central Government		50,31,87,000	Loans, advances and Investments from National Agricultural Credit (Long Term Operations) Fund—		
(ii) State Governments		10,76,67,000	(a) Loans and Advances to—		
			(i) State Governments		27,75,74,000
			(ii) State Co-operative Banks		11,19,91,000
			(iii) Central Land Mortgage Banks
(b) Banks:			(b) Investment in Central Land Mortgage Bank Debentures		4,45,53,000
(i) Scheduled Banks		91,24,10,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—		
(ii) State Co-operative Banks		2,77,29,000	Loans and Advances to State Co-operative Banks		
(iii) Other Banks		6,32,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
(c) Others		148,27,73,000	(a) Loans and Advances to the Development Bank		50,18,000
Bills Payable		53,21,33,000	(b) Investment in bonds/debentures issued by the Development Bank
Other Liabilities		68,65,13,000	Other Assets		31,89,89,000
Rupees		615,30,44,000	Rupees		615,30,44,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund, and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 13,05,50,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 10th day of February, 1965.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 5th day of February, 1965

ISSUE DEPARTMENT

LIABILITIES		Rs.	Rs.	ASSETS		Rs.	Rs.
Notes held in the Banking Department				Gold Coin and Bullion :—			
Notes in circulation		25,52,54,000		(a) Held in India		128,42,72,000	
		2580,96,01,000		(b) Held outside India		..	
Total Notes issued			2606,48,55,000	Foreign Securities		74,79,07,000	
				TOTAL			203,21,79,000
				Rupee Coin			96,88,18,000
				Government of India Rupee Securities			2306,38,58,000
				Internal Bills of Exchange and other commercial paper			..
TOTAL LIABILITIES			2606,48,55,000	TOTAL ASSETS			2606,48,55,000

Dated the 10th day of February, 1965.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/65.]

R. K. SESHADRI,
Director (Banking).

CORRIGENDUM

In the statement of the Affairs of the Reserve Bank of India, Banking Department as on 8th January 1965 published in the Gazette of India, dated the 23rd January 1965 Part II Section 3(ii) on page 343. the last foot note marked † reading 'Including Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund' should read 'Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.'

(Department of Revenue)**INCOME-TAX***New Delhi, the 15th February 1965*

S.O. 605.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the “prescribed authority”, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

INSTITUTION

Research Institute of Ancient Scientific Studies, New Delhi.

[No. 12 F. No. 10/20/65-IT(AI).]

G. R. DESAI, Dy. Secy.

CENTRAL EXCISE COLLECTORATE, BARODA**MANUFACTURED PRODUCTS***Baroda, the 15th January 1965*

S.O. 606.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I hereby delegate, to all the Officers not below the rank of the Assistant Collectors of Central Excise in Baroda Collectorate, the power under Rule 56-A of the Central Excise Rules, 1944, to deal with the applications within their respective jurisdiction. They should, however, endorse to this office a copy of the permission granted by them.

[No. 1/65.]

D. R. KOHLI, Collector.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, MADHYA PRADESH
AND VIDARBHA****CENTRAL EXCISES***Nagpur, the 22nd January 1965*

S.O. 607.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Assistant Collector of Central Excise in Madhya Pradesh and Vidarbha Collectorate, Nagpur to exercise the powers of the Collector under rule 56-A of the said rules.

[No. 1/65.]

TILAK RAJ, Collector.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

ORDERS*Calcutta, the 12th October, 1964*

S.O. 608.—Whereas M/s. India Sewai and Co. Mochuatoli, Arya Kumar Road, Patna, or any Bank or any other person have not come forward furnishing

sufficient cause against Notice No. 142/63/I&L, dated 16th September 1964 proposing to cancel licence No. A960315/62, dated 19th July, 1963, valued at Rs. 1,000 only for import of Glassine Paper, from the General Area except South and South West Africa granted to the said M/s. India Sewai and Co. Mochuatoli, Arya Kumar Road, Patna, by the Joint Chief Controller of Imports and Exports, Calcutta.

The Government of India, in the Ministry of Commerce in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. A960315/62, dated 19th July 1963 issued to M/s. India Sewai and Co. Mochuatoli, Arya Kumar Road, Patna.

[No. 142/63/I&L.]

S.O. 609.—Whereas M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna-4, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 142/63/I&L, dated 16th September 1964 proposing to cancel licence No. A558434/62, dated 14th December 1962 valued at Rs. 3,750 only for the import of Cellulose Acetate Powder from the General Area except South and South West Africa granted to the said M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna-4, by the Joint Chief Controller of Imports and Exports, Calcutta.

The Government of India, in the Ministry of Commerce in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. A558494/62, dated 14th December 1962 issued to M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna.

[No. 142/63/I&L.]

S.O. 610.—Whereas M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 142/63/I&L, dated 16th September 1964 proposing to cancel licence No. A558495/62, dated 14th December 1962 valued at Rs. 3,750 only for the import of Cellulose Acetate Powder from the General Area except South and South West Africa, granted to the said M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna, by the Joint Chief Controller of Imports and Exports, Calcutta.

The Government of India, in the Ministry of Commerce in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. A558495/62, dated 14th December 1962, issued to M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna.

[No. 142/63/I&L.]

S.O. 611.—Whereas M/s. Shri Laxmi Plastic Works, Manchuatoli Arya Kumar Road, Patna or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 142/63/I&L, dated 16th September 1964, proposing to cancel licence No. A558496/62, dated 14th December 1962 valued at Rs. 3,750 only for the import of Cellulose Moulding Powder from the General Area except South and South West Africa granted to the said M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna by the Joint Chief Controller of Imports and Exports, Calcutta.

The Government of India, in the Ministry of Commerce in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. A558496/62, dated 14th December 1962 issued to M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna.

[No. 142/63/I&L.]

S.O. 612.—Whereas M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna-4 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 142/63/I&L, dated 16th September 1964 proposing to cancel licence No. A650752/61, dated 6th August 1962 valued at Rs. 2,500

only for the import of Cellulose Acetate Butyrate Powder from the General Area except South and South West Africa, granted to the said M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna-4, by the Joint Chief Controller of Imports and Exports, Calcutta.

The Government of India, in the Ministry of Commerce in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. A650752/61, dated 6th August, 1962, issued to M/s. Shri Laxmi Plastic Works, Manchuatoli, Arya Kumar Road, Patna.

[No. 142/63/I&L.]

D. D. BHARGAVA,
Dy. Chief Controller of Imports and Exports.

(Office of the Joint Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDER

New Delhi, the 26th December 1964

S.O. 613.—Whereas M/s. National Optical and Surgical Co., Chander Bhawan, Civil Lines, Ludhiana or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCC.I/I(CLA)/193/64/3099, dated 24th November 1964 proposing to cancel licence Nos. (1) A573221/62, dated 29th January 1963 for Rs. 3,543 for Rough Blanks other than bifocal blank (2) P/SS/1519627, dated 18th November 1963 for Rs. 3,600 for import of Optical Rough Blanks and (3) P/SS/1535172, dated 23rd October 1964, for Rs. 3,915 for Rough Blanks other than bifocal blanks granted to said M/s. National Optical and Surgical Co., Chander Bhawan, Civil Lines, Ludhiana by the Joint Chief Controller of Imports and Exports (Central Licensing Area) Janpath Barracks 'B' New Delhi Government of India in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order 1955, hereby cancel the said licences as mentioned above issued to M/s. National Optical and Surgical Co., Chander Bhawan, Civil Lines, Ludhiana.

[No. JCC.I/I(CLA)/193/64/3541.]

S. K. SEN,
Jt. Chief Controller of Imports and Exports.

MINISTRY OF INDUSTRY & SUPPLY

(Department of Industry)

ORDER

New Delhi, the 15th February 1965

S.O. 614/IDRA/6/17.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till 13th September, 1966, Shri Madhav Mokashi, to be a member of the Development Council established by the Order of the Government of India in the Ministry of Industry and Supply No. S.O. 3332 dated the 14th September, 1964, for the scheduled industries engaged in the manufacture or production of Paper, Pulp and Allied Industries, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 29 relating to Shri G. Sanjeeva Reddy, the following entry shall be inserted, namely:—

30. Shri Madhav Mokashi, 70, Takia Ward, Kurla, Bombay-70.

[No. 2(4) Dev. Councils/64.]

CORRIGENDUM*New Delhi, the 15th February 1965*

S.O. 615.—In the Ministry of Industry and Supply Order No. S.O. 157 dated the 31st December, 1964, published in Part II Section 3 Sub-Section (ii) of the Gazette of India dated the 9th January, 1965:—

For 12. Shri V. N. Sardesai, M/s. Sardesai Brothers Pvt. Ltd., Post: Sardesai factory, Billimora.

Read 12. Shri V. N. Sardesai, M/s. Sardesai Brothers Ltd., 14, Murzban Road, Post Box: 425, Bombay-1.

[No. 2(7)/Dev. Councils/64.]

R. C. SETHI, Under Secy.

(Department of Industry)

(Indian Standards Institution)

New Delhi the 8th February 1965

S.O. 616.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1st March, 1965.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
	IS : 2711	Laboratory Deflection pH Meters	IS : 2711-1964 Specification for Laboratory Deflection pH Meters	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the Monogram as indicated in the design.



[No. MD/17:2.]

S.O. 617.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the marking fee per unit for Laboratory Deflection pH Meters, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1st March, 1965.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
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(1)	(2)	(3)	(4)	(5)
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1	Laboratory Meters	Deflection pH IS : 2711-1964 Specification for Laboratory Deflection pH Meters	One pH Meter	Rs. 5.00
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[No. MD/18:2.]

S.O. 618.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 21st to 31st January, 1965.

THE SCHEDULE

Sl. No	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
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1	2	3	4
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1	IS : 250-1964 Specification for Potassium Bichromate, Technical and Analytical Reagent (<i>Revised</i>)	IS : 250-1953 Specification for Potassium Bichromate, Technical and Analytical Reagent	This standard prescribes the requirements and the methods of test for potassium bichromate, technical and analytical reagent (Price Rs. 3.00)
2	IS : 927-1964 Specification for Fire Hooks (<i>Revised</i>)	IS : 927-1958 Specification for Fire Hooks	This standard lays down the requirements regarding materials, shape and dimensions, manufacture, workmanship and finish, and test for fire hooks. (Price Rs. 1.00)
3	IS : 1069-1964 Specification for Water for Storage Batteries (<i>Revised</i>)	IS : 1069-1957 Specification for Water for Storage Batteries	This standard prescribes the requirements and the methods of sampling and test for water intended for use in storage batteries (lead-acid type) (Price Rs. 2.00)
4	IS : 1171-1964 Specification for Ferro Manganese (<i>Revised</i>)	IS : 1171-1957 Specification for Ferro Manganese	This standard covers the requirements for ferro manganese for use in iron and steel industry (Price Rs. 1.00).
5	IS : 2095-1964 Specification for Gypsum Plaster Boards.	..	This standard lays down the requirements for gypsum plaster boards to be used as coverings for walls, ceiling and partitions (Price Rs. 1.50).

1	2	3	4
6	IS : 2742-1964 Specification for Automotive Brake Lining	..	This standard covers terminology, dimensions and other general requirements for automotive brake lining. It also covers various tests and the coefficients of friction for different types of brake lining (Price Rs. 3.50)
7	IS : 2745-1964 Specification for Fireman's Helmets	..	This standard lays down the requirements regarding materials, manufacture, workmanship and finish, and performance requirements of firemen's helmets (Price Rs. 2.50)
8	IS : 2772 (Part I)—1964 Specification for Non-Flameproof Mining Transformers for Use Below Ground Part I Oil-immersed Type	..	This standard covers technical provisions relating to non-flameproof mining type oil immersed transformers for use below ground (Price Rs. 2.50)
9	IS : 2783-1964 Specification for Worsted Balaclava Caps	..	This standard prescribes the constructional details and other particulars of knitted worsted balaclava caps. (Price Rs. 3.00)
10	IS : 2798-1964 Methods of Test for Polythylene Containers	..	This standard prescribes the methods of test for polythylene containers (Price Re. 1.00)
11	IS : 2804-1964 Dimensions for Palm Grips	..	This standard specifies the material and the dimensions of palm grips used on machine tools (Price Re. 1.00)
12	IS : 2807-1964 Specification for Whipcord	..	This standard prescribes the requirements for whipcord of 6 mm size. (Price Rs. 2.50)
13	IS : 2820-1964 Specification for Nylon Dobby Crepe	..	This standard prescribes constructional details and other particulars of finished and unfinished nylon dobbie crepe produced with 2 different loom-settings. (Price Rs. 1.50).
14	IS : 2822-1964 Specification for Butter Moulding Machine	..	This standard prescribes the general shape and design and materials for semi-automatic butter moulding machine capable of giving an output of upto 350 kg per hour of butter. (Price Re. 1.00).
15	IS : 2831-1964 Specification for Carbon Steel Billets for Re rolling into Structural Steel (Ordinary Quality)	..	This standard covers the requirements for two grades of carbon steel billets for re-rolling into structural steel (ordinary quality) (Price Re. 1.00)

1	2	3	4
16	IS : 2849-1964 Specification for Non-load Bearing Gypsum Partition Blocks (Solid and Hollow Types)	..	This standard covers requirements for gypsum partition blocks for use in non-load bearing construction in the interior of buildings and for the protection of columns, elevated shafts, etc. against fire. (Price Rs. 1.50)
17	IS : 2850-1964 Specification for Zinc Oxide for Cosmetic Industry	..	This standard prescribes the requirements and the methods of sampling and test for zinc oxide for cosmetic industry. (Price Rs. 3.00)
18	IS : 2864-1964 Specification for Chlordane Dusting Powders	..	This standard prescribes the requirements and the methods of test for chlordane dusting powders containing varying percentages of chlordane, technical. (Price Rs. 3.00)
19	IS : 2870-1964 Specification for Charge Pump for Pressure - Retaining Knapsack Sprayer	..	This standard prescribes the materials, performance, and the methods of testing the performance of a charge pump used for charging air and pesticides fluid in a pressure-retaining knapsack sprayer. (Price Rs. 2.50)
20	IS : 2871-1964 Specification for Branch Pipe, Universal, For Fire Fighting Purposes.	..	This standard lays down the requirements regarding material, shape and dimensions, construction and tests of branch pipe, universal, used for fire fighting purposes. (Price Rs. 2.00)
21	IS : 2878-1964 Specification for Portable Fire Extinguishers, Carbon-Dioxide Type	..	This standard lays down the requirements regarding materials shape, construction, performance and tests of portable fire extinguishers of carbon dioxide type. (Price Rs. 1.50)
22	IS : 2884-1964 Specification for Dried and Laminated Bombay Duck	..	This standard prescribes the requirements and the methods of test for dried and laminated Bombay duck. (Price Rs. 2.50)
23	IS 2904-1964 Dimensions for Ball Handles	..	This standard specifies the material and dimensions for fixed and free ball handles. (Price Re. 1.00)
24	IS : 2909-1964 Dimensions for Star Grips	..	This standard specifies the materials and dimensions of star grips. (Price Rs. 1.50)

Copies of these Indian Standards are available for sale, with the Indian Standards Institution, MARK BIVAR, 9 Bihari Lal Shah Zafar Marg, New Delhi-1, and also its branch office at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third & Fourth Floor, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathya-murthy Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13.2]

D. V. KARMARKAR,
Joint Director(Marks)

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 10th February 1965*

S.O. 619.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the National Dairy Research Institute (Class III and IV posts) Recruitment Rules, 1963, namely:—

1. These rules may be called the National Dairy Research Institute (Class III and IV posts) Recruitment (Amendment) Rules, 1965.
- 2 In the National Dairy Research Institute (Class III and IV posts) Recruitment Rules, 1963, after rule 4, the following rule shall be inserted namely:—

"5 *Liability to serve in defence services and posts connected with defence.*

Every person possessing a Degree in Mechanical or Electrical or Automobile Engineering appointed to the post of Farm Engineer after the commencement of the National Dairy Research Institute (Class III and IV posts) Recruitment (Amendment) Rules, 1965, shall, if so required, be liable to serve in any defence service or post connected with the defence of India for a period of not less than four years including the period spent on training, if any, provided that such person:—

- (a) shall not be required to serve as aforesaid after the expiry of ten years from the date of such appointment;
- (b) shall not ordinarily be required to serve as aforesaid after attaining the age of forty years."

[No. 3-14/62-DD.]

N. RANGANATHAN, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 10th February 1965*

S.O. 620.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendments in the First Schedule to the said Act, namely:—

In the said Schedule, after the entry relating to the Punjabi University, the following entries shall be inserted, namely:—

"University of Indore	Bachelor of Medicine and Bachelor of Surgery	M.B.B.S., Indore
	Doctor of Medicine (Physiology)	M.D. (Phy.), Indore
	Doctor of Medicine (Pharmacology)	M.D. (Pharm.), Indore
	Doctor of Medicine (Pathology)	M.D. (Path.), Indore
	Doctor of Medicine (Medicine)	M. D. (Med.), Indore
	Master of Surgery (General Surgery)	M.S. (Gen. Surg.), Indore
	Master of Surgery (Anatomy)	M. S. (Anatomy), Indore
	Surgery (Obstetrics and Gynaecology)	M.S. (Obst. & Gyn.), Indore
	Master of Surgery (Ophthalmology)	M.S. (Ophth.), Indore
	Doctor of Medicine (Paediatrics)	M. D. (Paediatrics), Indore

	Diploma in Ophthalmic Medicine and Surgery	D.O.M.S., Indore
	Diploma in Child Health	D.C.H., Indore
	Diploma in Tuberculosis Diseases	T.D.D., Indore
Jiwaji University, Gwalior	Bachelor of Medicine and Bachelor of Surgery	M.B.B.B., Jiwaji
	Doctor of Medicine (Physiology)	M. D. (Phy.), Jiwaji
	Doctor of Medicine (Pharmacology)	M.D. (Pharm.) Jiwaji
	Doctor of Medicine (Pathology)	M.D. (Path.), Jiwaji
	Doctor of Medicine (Medicine)	M.D. (Med.), Jiwaji
	Master of Surgery (Anatomy)	M.S. (Anatomy), Jiwaji
	Master of Surgery (Surgery)	M. S. (Surg.), Jiwaji
	Master of Surgery (Obstetrics & Gynaecology)	M.S. (Obst. & Gyn.), Jiwaji
	Master of Surgery (Ophthalmology)	M.S. (Ophth.), Jiwaji
	Diploma in Medical Radiology & Electrology	D.M.R.E., Jiwaji

[No. F. 32-49/64-MPT.]

New Delhi, the 12th February, 1965.

S.O. 621.—Whereas Shri N. R. Sharma, Model House Terrace, Flat A Block, Opp. Robert Money School Bombay-4, has been re-elected under clause (g) of section 3 of the Pharmacy Act, 1948 (8 of 1948), by the Maharashtra State Pharmacy Council to represent that state on the Pharmacy Council of India with effect from the 14th November, 1964;

And, whereas Dr. D. N. Sharma, Director of Medical and Health Services, Uttar Pradesh, has been re-nominated under clause (h) of section 3 of the said Act by the Government of Uttar Pradesh to represent that State on the Pharmacy Council of India with effect from the 22nd December, 1964;

Now, Therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Shri N. R. Sharma and Dr. D. N. Sharma shall continue to be, with effect from the respective dates aforesaid, members of the Pharmacy Council of India constituted by the notification of the Government of India in the Ministry of Health No. F. 7-23/59-D, dated the 21st December, 1959.

[No. F. 6-26/64-MPT.]

ORDERS

New Delhi, the 9th February 1965

S.O. 622.—Whereas the Government of India in the Ministry of Health has, by notification No. 32-51/64-MPT, dated 21st January 1965 made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine and Surgery" awarded by the University of Perugia, Italy for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Lilli Mara who possesses the said qualification, continues to work in the St. Mary's Hospital, Bhimvaram, West Godavari District (Andhra Pradesh), to which she is attached for the time being

for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Lilli Mara shall be limited.

[No. F. 32-51/64-MPT.]

New Delhi, the 10th February 1965

S.O. 623.—Whereas the Government of India in the Ministry of Health has, by notification No. 32-35/64-MPT, dated 30th January 1965 made, in exercise of powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D." granted by the University of Saint Thomas, Manila Philippines for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Raymundo P. Rivera Jr. who possesses the said qualification, continues to work in the Medical Section, Bengal Refugee Service, Calcutta to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Raymundo P. Rivera, Jr. shall be limited.

[No. F. 32-35/64-MPT.]

S.O. 624.—Whereas the Government of India in the Ministry of Health has, by notification No. 32-2/64-MPT, dated 30th January 1965 made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D." granted by the University of Siena, Italy, for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Ponticelli Antonio who possesses the said qualification continues to work in the Nirmaja Hospital, Suriapet, Nalgonda District, Andhra Pradesh, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Ponticelli Antonio shall be limited.

[No. F. 32-29/64-MPT.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 5th February 1965

S.O. 625.—In exercise of the powers conferred by section 18 of the Ancient Monuments Preservation Act, 1904 (7 of 1904), read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds notification No. 5803, dated the 20th August, 1917, in regard to Tatabandi, Taluka Alibag situated in Survey No. 15. at Agarkot, issued by the General Department of the then Government of Bombay.

[No. F. 4-13/64.C.1.]

New Delhi, the 10th February, 1965

S.O. 626.—Whereas by notification of the Government of India in the Ministry of Education No. F. 4-12/64.C.1, dated the 12th June 1964, published in Part II, Section 3. sub-section (ii) of the Gazette of India dated the 20th June 1964, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

And whereas no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.

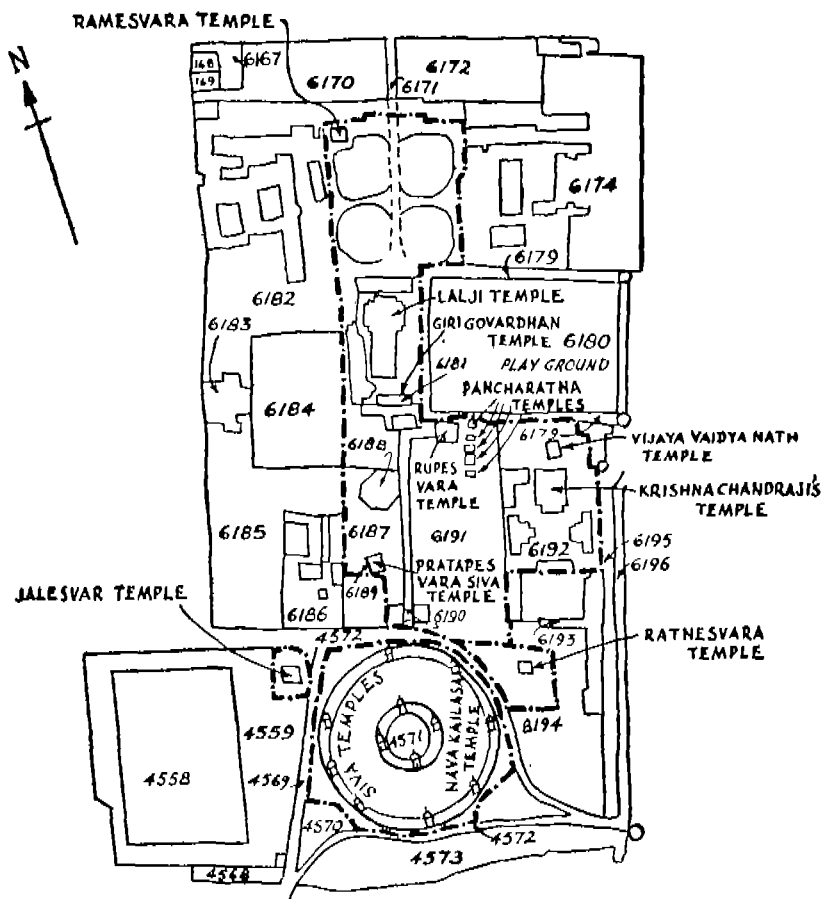
SCHEDULE

Sl. No.	State	District	Tahsil	Locality	Name of monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
I	2	3	4	5	6	7	8	9	10	11
1	West Bengal	Burdwan	Kalna	Kalna	Ramesvara temple, Lalji temple, Girigovardhan temple, Vijaya Vaidyanath temple, Krishnachandraji's temple, group of five temples locally known as Pancharatna temples, Rupesvara temple and Pratapesvara Siva temple in the Rajbari compound together with adjacent land comprised in part of survey plot No. 6182, survey plot Nos. 6181, 6188, Part of survey plot No. 6187, survey plot No. 6189, survey plot No. 6190, survey plot No. 6191 and part of survey plot No. 6192 respectively.	Whole of survey plot Nos. 6181, 6188, 6189, 6191 and part of survey plot Nos. 6182, 6187, 6190 and 6192 as shown in the plan reproduced below.	3.60 acres.	<p><i>North:</i>—Remaining portion of survey plot No. 6182.</p> <p><i>East:</i>—Survey plot Nos. 6174, 6179, 6192, 6195, 6194, 6193 and remaining portion of survey plot No. 6190.</p> <p><i>South:</i>—Survey plot Nos. 6194, 4572, 6193, and remaining portions of survey plot Nos. 6192 and 6187.</p> <p><i>West:</i>—Survey plot Nos. 6186, 6185, 6184 and remaining portions of survey plot Nos. 6187 and 6182.</p>	Private except survey plot No. 6190 which is a Government owned.	Temples are in religious use.
2	"	"	"	"	Ratnesvara temple together with adjacent land comprised in part of survey plot No. 6194.	Part of survey plot No. 6194 as shown in the plan reproduced below.	0.18 acres	<p><i>North:</i>—Survey plot No. 6191 and remaining portion of survey plot No. 6194</p> <p><i>East:</i>—Remaining portion of survey plot No. 6194.</p> <p><i>South:</i>—Remaining portion of survey plot No. 6194.</p> <p><i>West:</i>—Survey plot No. 4572.</p>	Private	Temple is in religious use.

3	"	"	"	"	Jalesvara temple together with adjacent land comprised in part of survey plot No. 4559.	Part of survey plot No. 4559 as shown in the plan reproduced below.	0.08 acre.	North:—Survey plot No. 4572 and remaining portion of survey plot No. 4559. East:—Survey plot No. 4569 and remaining portion of survey plot No. 4559. South:—Remaining portion of survey plot No. 4559. West:—Remaining portion of survey plot No. 4559.	Do.	Do.
4	"	"	"	"	Nava Kailasa temple together with adjacent land comprised in survey plot No. 4571 and part of survey plot No. 4570.	Whole of survey plot No. 4571 and part of survey plot No. 4570 as shown in the plan reproduced below.	1.33 acre.	North:—Survey plot No. 4572. East:—Survey plot No. 4572 and remaining portion of survey plot No. 4570. South:—Survey plot No. 4572 and remaining portion of survey plot No. 4570. West:—Survey plot No. 4569.	Do.	Do.
"	"	"	"	"	Gopalji temple together with adjacent land comprised in part of survey plot No. 5606.	Part of survey plot No. 5606 as shown in the plan reproduced below.	0.34 acre	North:—Survey plot Nos. 3595 and 5607. East:—Remaining portion of survey plot No. 5606. South:—Survey plot No. 2625. West:—Survey plot Nos. 5604 and 5605.	Do.	Do.

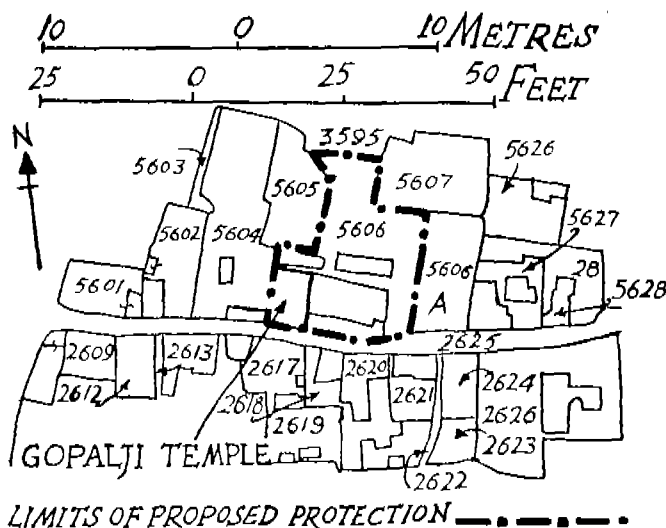
SITE PLAN OF TEMPLES AT KALNA

10 0 10 METRES 25 0 25 50 FEET



LIMITS OF PROPOSED PROTECTIONS — — — —

SITE PLAN OF GOPALJI TEMPLE AT KALNA



[No. F. 4-12/64.C.1.]

New Delhi, the 12th February 1965

S.O. 627.—Whereas by notification of the Government of India in the Ministry of Education No. F. 4-15/64-C.1, dated the 5th August, 1964, published in Part II, Section 3. sub-section (ii) of the Gazette of India dated the 22nd August, 1964, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

And whereas no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.

SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Kerala	Trivandrum	Neyyattinkara	Vizhinjam	Rock-cut Cave together with adjacent area comprised in survey plot Nos. (402/10A-36/6) and (402/10A-35/7, 35/8)	Whole of survey plot Nos. (402/10A-36/6) and (402/10A/35/7, 35/8).	0.085	<p><i>North</i> :—Survey plot Nos. 402/11 and 402/10.</p> <p><i>East</i> :—Survey plot Nos. 402/10 and 402/15.</p> <p><i>South</i> :—Survey plot No. 402/10.</p> <p><i>West</i> :—Survey plot Nos. 402/10 and 402/11.</p>	Government.	

[No. F. 4-15/64-C. 1.]
 S. J. NARSIAN,
 Assistant Educational Adviser.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 10th February 1965

S.O. 628.—In exercise of the powers conferred by section 3 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956) and of all the powers hereunto enabling and in supersession of the notification of the Government of India in the Ministry of Railways—(Railway Board) No. F(X)I-64/TX-19/14 dated the 30th November, 1964 as subsequently amended, the Central Government hereby—

- (a) fixes the rates specified in column (2) of the Schedule annexed hereto as the rates at which terminal tax shall be levied in respect of every railway ticket on all passengers carried by railway from or to the notified places specified in column (1) of the said Schedule ;
 - (b) directs that the aforesaid terminal tax shall be leviable with effect from the 1st March, 1965.
2. This notification shall come into force on 1st March, 1965.

THE SCHEDULE

Names of notified places I	Rates of terminal tax per single ticket.			
	Adult		Child between 3 and 12 year of age.	
	For short distance passengers (41-150 miles or 66-242 kilometres)	For long distance passengers (over 150 miles or over 242 kilometres)	For short distance passengers (41-150 miles or 66-242 kilometres)	For long distance passengers (over 150 miles or over 242 kilometres)
1. Allahabad Jn.				
2. Allahabad City				
3. Daraganj				
4. Naini Jn.				
5. Prayag				
6. Prayag Ghat (when opened)				
7. Phaphamau				
8. Subedarganj				
9. Bamhauri				
		Paise	Paise	Paise
Air-conditioned				
or 1st class	50	75	25	38
2nd class	25	37	13	19
3rd class	12	19	6	10

Explanation : The terminal tax on a return ticket shall be double the rates fixed herein.

[No. F. (X) II-64/TX-19/14]

P. C. MATHEW, Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 10 फरवरी 1965.

एस० नो० 629.—यात्री सीमा कर अधिनियम, 1956 (1956 का 69) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के रेलवे मंत्रालय (रेलवे बोर्ड) की 30 नवम्बर, 1964 की अधिसूचना सं० एफ (एक्स) I-64/टी एक्स-19/14 को रद्द करते हुए केन्द्रीय सरकार—

- (क) अनुलग्न सूची के स्तंभ (2) में निर्दिष्ट दर को चुंगी-कर की उस दर के रूप में निश्चित करती है जो उपर्युक्त अनुसूची के स्तंभ (1) में निर्दिष्ट स्थानों से और उन तक रेलवे द्वारा ले जाये गये यात्रियों के हर टिकट पर लगेगा ।

(ख). निदेश करती है कि उक्त सीमा कर 1 मार्च, 1965 से लागू होगा।

यह अधिसूचना 1 मार्च, 1965 से लागू होगी।

अनुसूची

निर्दिष्ट स्थान

प्रति इकहरे टिकट पर चुंगी की दरें।

	वयस्क	3 से 12 वर्ष की आयु के बच्चे			
		कम दूरी वाले यात्रियों के लिए	लम्बी दूरी वाले यात्रियों के लिए	कम दूरी वाले यात्रियों के लिए	लम्बी दूरी वाले यात्रियों के लिए
1. इलाहाबाद जं०	कम दूरी वाले यात्रियों के लिए	(41-150 मील या 66-242 किलोमीटर)	लम्बी दूरी वाले यात्रियों के लिए	(150 मील या 242 किलोमीटर से अधिक)	कम दूरी वाले यात्रियों के लिए
2. इलाहाबाद शहर					
3. दारागंज					
4. नैनी जंक्शन					
5. प्रयाग					
6. प्रयाग घाट (जब खुले)					
7. फाफामऊ	पैसे	पैसे	पैसे	पैसे	
8. सूनेदारगंज	वातानुकूल या पहला दर्जा	50	75	25	38
9. बम्हरोली	दूसरा दर्जा	25	37	13	19
	तीसरा दर्जा	12	19	6	10

व्याख्या : वापसी टिकट पर सीमा कर इस निर्धारित दर का दुगुना लिया जायेगा।

सं० एफ(एक्स) II-64/टी एक्स-19/14

पी० सी० मैथ्यू, सचिव.

MINISTRY OF WORKS AND HOUSING

New Delhi, the 6th February 1965

S.O. 630.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:—

1. **Short Title.**—These rules may be called the Land and Development Office (Assistant Accounts Officer) Recruitment Rules, 1965.

2. **Application.**—These rules shall apply to the post specified in column (1) of the Schedule hereto annexed.

3. **Classification, scale of pay, method of recruitment, etc.**—The classification of the post, the scale of pay attached thereto, the method of recruitment to the said post and other matters connected therewith shall be as specified in columns (3) to (7) of the said Schedule.

4. **Disqualification.**—(i) No person, who has more than one wife living or, who, having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the lifetime of such spouse, shall be eligible for appointment to the said post; and

(ii) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

THE SCHEDULE

Name of the post	Number of posts	Classification	Scale of pay	Method of recruitment whether by direct recruitment or by promotion or deputation.	In case of recruitment by promotion/deputation/transfer, grades from which promotion is to be made.	Circumstances in which the UPSC is to be consulted in making recruitment.
1	2	3	4	5	6	7
Assistant Accounts Officer.	Two	G.C.S. Class II (Non-Ministerial)	Rs. 590—30— 830—35— 900.	By transfer on deputation.	Transfer on deputation. Suitable officer of the rank of Assistant Accounts Officer, or equivalent, from any of the organised Accounts Services. (Period of deputation—ordinarily not exceeding 3 years).	As required under the rules.

[No. 11(39)/63 Adm. I.]

S. L. VASUDEVA, Under Secy.

New Delhi, the 12th February 1965

S.O. 631.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below being gazetted officer of Government, to be estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officers	Categories of public premises* and local limits of jurisdiction
1	2
Shri S.G. Puthli, Superintending Engineer, Bombay Central Circle, Central Public Works Department, Bombay.	Quarter No. 100, First Floor, Building No. II, Type II (Special Ghatkopar, Bombay).

[No. 32/2/65-Acc. II]

H. S. JAIN, Under Secy.

MINISTRY OF REHABILITATION**(Office of the Chief Settlement Commissioner)***New Delhi, the 10th February 1965*

S.O. 632.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri Gagan Dass, Managing Officer in the office of Regional Settlement Commissioner, New Delhi, as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 7(16)AGZ/65.]

New Delhi, the 15th February 1965

S.O. 633.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the State of Bihar, Shri M. Alam, Junior Field Inspector in the office of Assistant Settlement Commissioner, Incharge Madhya Pradesh and Bihar Region and posted at Patna as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. P. F. 7(12)AGZ/64.]

KANWAR BAHADUR,

Settlement Commissioner (A) & *Ex-Officio* Dy. Secy.**(Office of the Chief Settlement Commissioner)****CORRIGENDUM***New Delhi, the 31st December 1964*

S.O. 634.—In this office Notification No. 1(10)/L&R/64, dated 10th December, 1964 regarding acquisition of Khewat No. 31/52, Khasra No. 132, measuring 5 bighas 1 biswas, the word "Hauz Rani" appearing in 14th Line may be read "Sandors Khurd".

[No. F. 1(10)/L&R-64.]

M. J. SRIVASTAVA,

Settlement Commissioner & *Ex-Officio* Under Secy.**MINISTRY OF INFORMATION & BROADCASTING***New Delhi, the 5th February 1965*

S.O. 635.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shrimati Geeta Malik after consultation with the Central Board of Film Censors as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. 11/3/62-F(C).]

H. N. AGARWAL, Dy. Secy.

DEPARTMENT OF SOCIAL SECURITY*New Delhi, the 8th February 1965*

S.O. 636.—Whereas the employees of the establishments mentioned below are in enjoyment of benefits in the nature of provident fund or gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952) and Employees' Provident Funds Scheme, 1952;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby exempts from the operation of the provisions of the Employees' Provident Funds Scheme, 1952, with effect from the dates mentioned against them, the following establishments, namely:—

NAME OF ESTABLISHMENTS	DATE OF EXEMPTION
1. Branch factories of Messrs Bata Shoe Company Private Limited at Digha, Patna and Mukameghat, Barh (both in Bihar).	31-8-1961.
2. (i) Registered and Head Office of Messrs Bata Shoe Company Private Limited at 30, Shakespeare Sarani, Calcutta-16;	
(ii) Sales Office of Messrs Bata Shoe Company Private Limited at 6A, Surendra Nath Banerjee Road, Calcutta-13;	
(iii) Shipping and Passage Office of Messrs Bata Shoe Company Private Limited at Gilander House, 8, Netaji Subhas Road, Calcutta-1;	
(iv) Delhi Office of Messrs Bata Shoe Company Private Limited, Kashmere Gate, Delhi; and	
(v) Retail Shops, Wholesale Shops and Repair Shops of Messrs Bata Shoe Company Private Limited throughout India.	
	30-4-1962.

2. The exemption hereby conferred shall, in addition to the conditions mentioned in sub-section (3) of section 17 of the said Act, be subject to the conditions specified in the Schedule hereto annexed.

SCHEDULE

1. The employer in relation to each establishment (hereinafter referred to as the employer) shall within three months of the date of publication of this notification bring the rules relating to the Provident Fund in respect of the establishment in accordance with the rules annexed herewith (Annexure 'A').

2. The Provident Fund and Gratuity Rules of any establishment shall not be amended except with the previous approval of the Regional Commissioner. Where, in the opinion of the Regional Commissioner, any amendment affects the interests of the employees, he shall, before giving his approval, give reasonable notice of the same to the employees.

3. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional Commissioner as the Central Government, may from time to time, direct.

(b) The employer shall furnish to the Regional Commissioner such accounts relating to the Provident Fund of the establishment as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been a member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional Commissioner.

4. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may, from time to time, specify.

5. All expenses involved in the administration of the Provident Fund Scheme, including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges, shall be borne by the employer.

6. The employer shall display on the notice board of his establishment, in English, a copy of the approved rules and the translation of a gist of the rules in the language of the majority of the workers.

7. The employer shall within three months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

8. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund, shall be transferred to that Fund as soon as possible and, in any case, not later than 30 days in the case of securities and not later than ten days in the case of cash in hand or bank, together with such statement or statements as may be required by the Regional Commissioner or Commissioners concerned.

9. The employer shall accept the past provident fund accumulations of an employee who is already a member of the Employees' Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the Provident Fund of the establishment. His accumulations which shall be transferred within three months of his joining the establishment shall be credited to his account.

10. The employer shall provide for nomination in his provident rules in accordance with the provisions contained in paragraph 61 of the Employees Provident Fund Scheme, 1952.

11. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 paise; that is, 2·5 paise or more shall be counted as 5 paise; and any amount less than 2·5 paise shall be ignored.

12. On all repayable loans granted by the establishment interest shall be charged at the rate of 4½ per cent. or 1 per cent. above the rate allowed on the balance to the credit of the members, whichever is higher.

13. The employer shall pay to the Regional Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

14. Exemption granted by this notification is liable to be withdrawn by the Central Government for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

ANNEXURE 'A'

1. **Number of members.**—(1) The Board shall consist of an equal number of representatives of the employers and the employees. The number of trustees on a Board shall be so fixed as to afford, as far as possible, representation to workers in various branches/departments of the establishment:

Provided that the number of trustees on a Board shall neither be less than six nor more than twelve.

(2) In the case of a common Provident Fund for a group of two or more establishments under the same employer, one Board may be constituted for all such establishments:

Provided that the employees of each such establishment, shall be entitled to elect a trustee on the Board.

2. **Employers' representatives.**—The employer shall nominate his representatives from amongst the officers employed in managerial or administrative capacity in the establishment.

3. **Election of employees' representative.**—The representatives of the employees shall be elected by the members of the Fund in an election to be held for the purpose on any working day:

Provided that wherever there is a recognized Union under the Code of Discipline or under any State Act, such Union shall nominate the employees' representatives:

Provided further that wherever there is no recognised Union, the representative Union, if any, existing under any Law regulating the recognition of workers' Union, shall nominate the employees' representatives:

Provided also that wherever there is neither a recognised Union nor a representative Union of workers, any Union existing in the establishment and qualified for recognition by the employer, shall nominate the employees' representatives. Where there is more than one such Union, the procedure laid down in the Industrial Disputes (Central) Rules, 1957, for the election of the Workers' representatives on the Works Committee shall be followed with such modifications, if any, as may be considered necessary by the Regional/State Provident Fund Commissioner.

4. Qualifications of candidates for election.—(1) Any member of the Fund who is not less than 21 years of age may, if nominated as hereinafter provided, be a candidate for election as employees' representative.

(2) An outgoing trustee shall be eligible for re-election or re-nomination as the case may be.

5. Procedure for election.—The employer shall fix a date for receiving the nominations from candidates for election as employees' representatives. He shall also fix a date for the withdrawal of nomination and the date of election which shall not be earlier than three days or later than ten days after the closing date for withdrawal of nominations. The dates so fixed shall be notified to the members at least seven days in advance. The notice shall be affixed on the Notice Board of the establishment. The notice shall also specify the number of seats to be filled by the employees' representatives. A copy of such notice shall also be sent to the recognised trade Union or the Unions concerned in the establishment and to the Regional/State Provident Fund Commissioner.

6. Nomination of candidates for election.—Every nomination shall be made in the Form annexed to these rules. Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two members of the Fund, other than the proposer and shall be delivered to the employer before or on the closing date fixed for receiving the nominations.

7. Scrutiny of Nomination papers.—The employer shall scrutinize the nomination papers received under rule 6 on the date following the last date fixed for withdrawing the nomination papers. The candidate or his nominee, the proposer or the attesting members may be present, if they so desire. The invalid nomination papers shall be rejected.

8. Voting in election.—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall forthwith be declared duly elected.

(2) If the number of candidates is more than the number of seats, voting shall take place on the date fixed for election.

(3) The election shall be conducted by the employer in the presence of an officer, deputed by the Regional/State Provident Fund Commissioner.

(4) Every member of the Fund shall have as many votes as there are seats to be filled on the Board:

Provided that each such member shall be entitled to cast only one vote in favour of any one candidate.

(5) The voting shall be by Secret Ballot.

9. Disqualifications of a trustee.—A person shall be disqualified for being a trustee of the Board:—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if he has been convicted of an offence involving moral turpitude.

10. Chairman of the Board.—The employer shall nominate one of his representatives on the Board to be the Chairman thereof. In the event of an equality of votes, the Chairman shall exercise a casting vote.

11. **Filling of casual vacancies.**—In the event of a trustee, elected or nominated, ceasing to be a trustee during the tenure of the Board, his successor shall be elected or nominated, as the case may be in the manner here-in-before provided for election or nomination.

12. **Reference to Regional Provident Fund Commissioner.**—In case of any dispute or doubt, the matter shall be referred to the Regional Provident Fund Commissioner in whose region the Head Office of the establishment is situated. His decision in the matter shall be final and binding.

13. **Provision for residuary matters.**—All matters not provided for in these rules shall be regulated by the approved Provident Fund Rules of the establishment.

FORM OF NOMINATION PAPER

(See Rule 6)

Name of the branch/department

I hereby nominate Shri

(name of the employees' candidate with his Provident Fund Account No.)
as a candidate for election to the Board of Trustees.

Date

(Signature of the proposer with his
Provident Fund Account No.)

Address

I hereby declare that I agree to this nomination.

Date

(Signature of candidate).
Address.

Attested by (1)

(2)

(To be signed by two members*of the Provident Fund)

Certificate of delivery

This nomination paper was delivered to me at my office on ————— by the candidate/proposer.

Employer.

[No. 11/16/63/PF-II.]

New Delhi, the 11th February 1965

S.O. 637.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby appoints the 21st February, 1965 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81, which have already been brought into force] of the said Act, shall come into force in the following areas in the State of Punjab, namely:—

Sl. No.	Village	Had Bast No.
I	Alamgarh in the district of Ferozepur.	109
II	Dadri in the district of Mohindergarh.	147
III	Farm Bahadurgarh in the district of Patiala.	113/1

Sl. No.	Village	Had Bast No.
IV	Rajipur Jhajra	108
	Surajpur	109
	in the district of Ambala	
V	Rampur Sewri	106
	Tckwana	107
	Milak	111
	in the district of Ambala	
VI	Arangh Pur	2
	Sarai Khauaja	3
	(Alias Ghasipur)	
	Meola Maharaj Pur	4
	Faridabad	123
	Arjraunda	118
	Lakar Pur	1
	Sihi	80
	Etmad Pur	127
	Balab Garh	78
	in the district of Gurgaon	

[No. F.13(17)/65-HI.]

SHAH AZIZ AHMAD, Dy Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th February 1965

S.O. 638.—In exercise of the powers conferred by sub-section 1 of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 531, dated the 2nd March, 1961, namely:—

In the said notification the following entry shall be omitted, namely:—

“(63) Shri S. C. Gupta.”

[No. 8/79/64-M.I.]

New Delhi, the 10th February 1965

S.O. 639.—In exercise of the powers conferred by sub-section 1 of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri H. K. Roy, as Inspector of Mines subordinate to the Chief Inspector of Mines and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, S.O. 531, dated the 2nd March, 1961, namely:—

In the said notification, the following entry shall be added at the end, namely:—

“71 Shri H. K. Roy.”

[No. 8/40/64-MI.]

R. C. SAKSENA, Under Secy.

New Delhi, the 9th February 1965

S.O. 640.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the West Jhagrakhand Colliery and their workmen which was received by the Central Government on the 2nd February, 1965.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT BOMBAY**

REFERENCE No. CGIT-7 OF 1964

Employers in relation to the West Jhagrakhand Colliery

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Dated at Bombay this 30th day of January, 1965

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 5/55/63-LRII, dated 15-1-1964, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:

SCHEDULE

"Whether the dismissal of the following workmen from the service of the colliery with effect from the 23rd June, 1963, is justified? If not, to what relief they are entitled?"

1. Shri Kishore s/o Balwant.
2. Shri Ramnu s/o Changur.
3. Shri Banarshi s/o Ramdhari.
4. Shri Binda s/o Vigurashan.
5. Shri Banta s/o Darshan."

2. After the usual notices were issued, the Jhagrakhand Collieries Private Ltd. (hereinafter referred to as the Company) filed its written statement, dated 7th March, 1964, and the Madhya Pradesh Colliery Workers' Federation (hereinafter called the Union) representing the workmen filed its statement of claim dated 18th April, 1964, to which the Company filed its rejoinder, dated 23rd May, 1964.

3. Thereafter the parties submitted a joint petition, dated 19th January, 1965, recording the terms of settlement reached between them, a copy of which is annexed hereto and marked Annexure 'A' and they have prayed for an award in terms thereof. The joint petition has been signed on behalf of the Company by Shri R. Hearn, the Agent and Mining Engineer of the Jhagrakhand Collieries and on behalf of the Union by its General Secretary, Shri Gulab Gupta and other office Bearers.

4. As the settlement appears to me to be fair and reasonable and in the interest of industrial peace, I make an award in terms recorded in Annexure 'A' hereto, which shall form part of this Award.

5. No order as to costs.

SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-7 of 1964

In the matter of Industrial Dispute over alleged wrongful dismissal of Sri Kishore and four others of West Jhagrakhand Colliery,

BETWEEN

The Employers in relation to the West Jhagrakhand Colliery of M/s. Jhagrakhand Collieries Pvt. Ltd.

AND

Their workmen represented by the Madhya Pradesh Colliery Workers' Federation.

The joint petition of the parties above-named most respectfully sheweth:

1. That the Union will not press for the re-instatement of Sri Kishore, Haulege Khalashi and he will also not be entitled to any other relief.
2. That Sri Ramnu and Sri Banarsi will be employed in their original posts of Haulege Khalashi and driller respectively. They will be given the benefit of continuity of service and the period of their absence will be treated as leave without pay.
3. Sri Brinda will be employed as a bailing Mazdoor on probation for six months.
4. Sri Banta may work as a casual Mazdoor in the wagon loading Section as and when work is available in the said Section.
5. That the agreement in paras 2, 3 and 4 above will be given effect within a week from the receipt of the Hon'ble Tribunal's Award in this matter.
6. The parties jointly pray that this reference may kindly be disposed of in terms of this settlement and an Award given accordingly.

The Parties will bear their own cost.

For the Workmen

1. (Sd.) GLAS GUPTA, General Secretary, M.P. Colliery Workers' Federation.
2. (Sd.) J. P. SRIVASTAVA, Secretary, M.P. Colliery Workers' Federation.
3. (Sd.) R. K. DUBEY, President, West Jhagrakhand Colliery Branch, M.P. Colliery Workers' Federation.

For the Employers

(Sd.) R. HEARN, Agent & Mining Engineer, Jhagrakhand Collieries.

Witnesses:

1. (P. P. PARAMESWARAN)
2. (G. R. BHANDARI)

The 19th January, 1965.

[No. 5/55/63-LR.II.]

New Delhi, the 12th February 1965

S.O. 641.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri Anand Narain Kaul, Arbitrator in the industrial dispute between the employers in relation to Messrs Bikaner Gypsums Limited, Bikaner and their workmen represented by the Gypsum Mine Workers Union, Jamsar which was received by the Central Government on the 2nd February 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI
PRESENT:

Shri Anand Narain Kaul, Central Government Industrial Tribunal, Delhi.
31st December, 1964

ARBITRATION CASE No. 1 OF 1964

BETWEEN

The management of Messrs Bikaner Gypsums Limited, Bikaner.

AND

Their workmen as represented by the Gypsum Mine Workers Union,
Jamsar.

Shri Anand Parkash—for the management.

Shri Y. R. Bhasin—for the workmen.

AWARD

This is a reference, under Section 10A of the Industrial Disputes Act, 1947, of an industrial dispute existing between Messrs Bikaner Gypsums Limited, Bikaner (hereinafter referred to as the company) and their workmen represented by the Gypsum Mine Workers Union, Jamsar (hereinafter referred to as the Union), who have entered into a written agreement to refer the dispute to me. The agreement was published by S.O. dated the 20th June, 1964 of the Government of India in the Ministry of Labour and Employment. The matters referred to my arbitration under the aforesaid arbitration agreement are as follows:—

1. Whether the dismissals of Shri Devidan and Subhania are justified and if not to what relief they are entitled?
2. Whether the stoppage of increment of Shri Manandeo Mishra is justified and if not to what relief he is entitled?
3. Whether employees who are discharged or dismissed or whose services are otherwise terminated or who resign during a calendar year are entitled to encashment of leave for the period they have actually worked during that calendar year.

2. Both the aforesaid parties have submitted to me their respective written statements. The case of the union, as set out in its written statement, in respect of the first matter in dispute is that Sarvashri Devidan and Subhania, who were old employees of the company, were an eye-sore to the management, being active members of the union, and the management was on the look out of some opportunity to victimise them. The management got such an opportunity when these workmen proceeded on leave, to their respective native places and unfortunately fell ill during their leave period and had to get the leave extended. The management, with *malafide* intentions, did not issue to them any charge-sheets for absence and when the workmen reported for duty and presented the medical certificates and leave applications, according to the provisions of the Standing Orders, they to their utmost surprise received letters of dismissal, alleging that the charges of absenteeism were proved against them in an enquiry which was conducted *ex parte*. According to the union, no intimation of such an enquiry was ever received by the workmen and they had no opportunity to explain their conduct. The workmen, according to the union, had reason to believe that no such enquiry was ever conducted. The dismissal is alleged to be arbitrary, unjust and *malafide*, the more so, as it was conducted by the Labour Welfare Officer of the company, who by virtue of a prior settlement between the union and the management, was debarred from conducting such an enquiry.

3. In regard to matter of dispute No. 2, the union has stated that it did not wish to proceed with the dispute.

4. As to the matter of dispute No. 3, the union's case is based on the provisions, regarding leave in Chapter VII of the Mines Act, 1952 and the provisions of the rules under the Mines Rules 1955. It would be appropriate to discuss the case of each party when disposing of this term of reference.

5. The management's case in its written statement, relating to the case of Shri Devidan, under term No. 1, of the reference, is that there was a report of the Head Time Keeper that Shri Devidan had been absenting himself, without permission and without any satisfactory cause, since 1st April, 1963, and that

charge-sheet which was sent to his usual address under Registered Acknowledgment due had come back undelivered with the remark "not found". The charge-sheet which is dated the 13th April, 1963 was under standing order 21(a)(xvi), which lists continuous absence without permission and without sufficient cause for more than 10 days, as a gross misconduct for which the employee concerned is liable to various punishments including dismissal without notice. Since the charge-sheet could not be served on the workman by post, a copy of the charge-sheet, as required by the standing orders, was pasted on the Notice Board and a copy was also endorsed to the union for information and necessary action. Notice of the enquiry was issued for the 7th May, 1963 and the workman was informed that if he did not appear, an ex parte enquiry would be conducted. Shri B. N. Roy, Labour and Welfare Officer was authorised to conduct the enquiry. Since Shri Devidan did not appear, the enquiry had to be conducted ex parte. After examining the Head Time Keeper who supported his report with the relevant attendance register, the Enquiry Officer himself verified the register and being satisfied with the evidence of the Head Time Keeper gave his report dated the 27th May, 1963, holding Shri Devidan guilty of the charge contained in the charge-sheet issued to him. On the 17th June, 1963, Shri Devidan is stated to have returned and submitted a medical certificate, whereupon he was allowed to resume duty, as per letter of the management dated 17th June, 1963, "subject to the action to be taken for his absenteeism for such a long time without intimation." According to the management, Shri Devidan did not give any reason why he could not submit the certificate and apply for leave in time in accordance with the standing orders. Accordingly the findings of the Enquiry Officer were accepted and he was dismissed from service under the provisions of standing order 22(a).

6. The case of Shri Subaniya is stated to be similar to that of Shri Devidan, in that he was absenting himself without permission and without satisfactory cause since 1st August, 1963. A charge-sheet dated 19th August, 1963, issued to him under registered A.D. cover at his usual address was also returned with the remarks similar to those in the case of Shri Devidan. In this case also a copy of the charge-sheet was pasted on the general notice-board and a copy of the same was also endorsed to the union for information and necessary action. Shri Subaniya was required to submit his explanation to the charge-sheet within 7 days of the putting up of the same on the notice-board, failing which an ex parte enquiry was to be held on the 9th September, 1963. In this case also the Labour Welfare Officer was authorised to conduct the enquiry. The workman did not attend and an ex parte enquiry had to be held during which the Time Keeper was examined along with the relevant attendance register. On the 18th September, 1963, the Enquiry Officer gave his report finding Shri Subaniya guilty of the charges against him. On 30th September, 1963, i.e., almost two months after he had first absented himself, Shri Subaniya returned and stated that he was sick and under treatment at Bikaner and could not therefore, attend duty from 1st August, 1963 to 29th September, 1963. He also produced a health certificate which merely stated that he was under the treatment of some Vaidya and that he was now fit. The nature of the illness of Shri Subaniya was not mentioned in the health certificate which was more or less in the nature of a fitness certificate. Shri Subaniya was also allowed to resume duty from 30th September, 1963, subject to the right of the company to take action on the result of the enquiry. By a letter, dated the 18th November, 1963, Shri Subaniya was dismissed from service under standing order 22(a). The management has, therefore, pleaded that their action was justified in both cases.

7. As to term No. 2 of the reference, it is stated that Shri Manan Dev Mishra was charge-sheeted for sleeping while on duty which is a gross misconduct under clause 22(a)(xi) of the certified standing orders applicable to the mines of the company. The charge-sheet is stated to have been issued on the report of Shri Dilbagh Singh and Shri Jaswant Singh, Time Keepers, who during their surprise check on the 4th December, 1962 at 11 A.M. had found the workman sleeping while he was on duty at the Power House at Quarry No. 7. Shri Manan Dev Misra denied the charge, and following this, a regular enquiry was held at which witnesses were examined in the presence of Shri Manan Dev Misra and he was allowed to cross-examine them and also to produce his own defence. The Enquiry Officer having found Shri Misra guilty of the charge against him, the management instead of dismissing the workman from service, as they could have very well done, on the proved charges against him decided only to stop his increment for one year and warned him that repetition of any kind of misconduct shall be seriously dealt with, which might lead to his dismissal. The management claims that the action taken by them was fair.

8. I have heard Shri R. C. Shukla, General Secretary of the Union, on its behalf and Dr Anand Prakash, on behalf of the management.

Item No. 1 of Dispute:

9. In its written statement the Union has significantly avoided giving the date of each workman proceeding on leave and has even omitted to state whether they made any application for leave oral or written, for how many days they proceeded on leave and whether the leave was sanctioned. In the circumstances the management's version that Shri Devidan and Shri Subaniya had been absenting themselves without leave from 1st April 1963 and 1st August 1963, respectively must be accepted as correct. There seems also to be no reason to disbelieve the management's case as to the sending of a charge-sheet by registered acknowledgement due to the usual address of each workman and as to its having been returned undelivered with the remark "Not found". The original registered envelopes and the corresponding acknowledgement slips are on the record of enquiry. The pasting of a copy of the charge-sheet in each case, on the company's notice board and endorsing of a copy to the Union, after it had been returned undelivered, may also be accepted. In fact, at the hearing it was admitted on behalf of the union that a copy of the notice board charge-sheet had been received by it. Admittedly no explanation to the charge-sheet was or could have been, in the circumstances, submitted by any of the workmen and the Enquiry Officer was justified in proceeding *ex parte* with the enquiry in each case. The Enquiry Officer submitted his report dated 24th May 1963 in the case of Shri Devidan and dated 16th September 1963 in the case of Shri Subaniya, finding the respective workman guilty of the act of gross misconduct for which he was charged. There seems to be nothing wrong with the procedure adopted by the management or by the Enquiry Officer upto this stage. The union's objection, in its written statement, that there was an agreement between the union and the management that no enquiry would ever be entrusted to the Labour Welfare Officer has not been supported to any copy or even extract from the agreement in question, nor was any such agreement produced before me at the hearing. The pasting of the charge-sheet on the notice board in the absence of its service on the workman by registered post on the usual address was in accordance with the standing orders of the management. Under clause 21(a) (xvi) of the standing orders, continuous absence without permission and without satisfactory cause for more than 10 days amounts to gross misconduct for which the employee concerned is liable to be dismissed. The management could, therefore, have dismissed the two workmen on the basis of the report of the Enquiry Officer for continuous absence without permission and without satisfactory cause for more than 10 days.

10. As admitted in the management's written statement, Shri Devidan returned on the 17th June, 1963 and submitted a medical certificate. The application, along with which the certificate was produced has now been produced. In this application Shri Devidan had stated that he had gone on leave for only six days but having fallen sick after reaching home he was unable to make any further application for leave. He, therefore, prayed for grant of leave from 1st April, 1963 to 16th June, 1963. The so-called medical certificate is only a health certificate of an Ayurvedic practitioner of Bikaner dated the 15th June, 1963, saying that Shri Devidan, who was suffering from "Jvaratisar" had been under his treatment from 1st April 1963 to 16th June, 1963 and that he had fully recovered on the date of certificate. It is not, however, understandable why the workman could not approach the Mine Management for sanctioning of further leave or send an application by post for extension of leave when he could himself approach the Ayurvedic Practitioner at Bikaner for his treatment during such a long period. The application of the workman, however, does not bear any endorsement of the management's office and whatever endorsement there was has been struck off so as to make it illegible. In any case the management had by their letter dated the 17th June, 1963, of which a copy has been produced, allowed the workman to resume duty. The letter is to the following effect:—

"This has reference to your application of today's date together with a Medical certificate from Laxmi Ayurvedic Hospital.

We find that you have absented yourself from 1st April 1963 to 15th May 1963. It is not convincing that you were so sick that you could not submit your application within this 2½ months' time and your physical appearance does not appeal to us that you were actually sick. However, you are being allowed to resume your duties from today subject to the action to be taken for your absenteeism for such a long time without information.

Sd/-

MINES MANAGER, JAMSAR."

Finally, however, by a letter dated the 14th September, 1963, the Mines Manager dismissed Shri Devidan. The letter is as follows:—

"The Enquiry Officer appointed to enquire into the charges contained in the charge-sheet No. J/A-13a/211/16, dated the 13th April, 1963, has submitted his report and found you guilty of the charges contained therein. In view of the charges proved against you, we have no other alternative but to dismiss you from service in accordance with the provisions, of standing order 22(a).

You have submitted a medical certificate on 17th June, 1963 and you were allowed to resume duty as per letter of the management dated 17th June 1963, subject to the action to be taken for your absenteeism for such a long time without intimation. You have, however, not given any reason why you should not submit this certificate and apply for leave in accordance with the standing orders. Accordingly we see no reason to differ with the findings of the Enquiry Officer.

Please collect your dues if any from the office at any time during the working hours, on production of necessary clearance certificate.

Yours faithfully,

For BIKANER GYPSUMS LIMITED."

It will be seen that the workman was actually allowed to work with effect from the 17th June, 1963, upto as late as the 14th September, 1963 although the report of the Enquiry Officer had been already submitted on the 27th May, 1963. If the management was inclined to dismiss the workman on the findings of the Enquiry Officer, there was ample time to take such a decision from the 22nd May, 1963 upto the 17th June, 1963 or this could have been done even after the workman made his application on the 17th June, 1963. Evidently, however, the management took a lenient view of the matter and allowed the workman to resume duty, although with the reservation that this was subject to the action to be taken for his absenteeism. The action initially taken by the management and the contents of their letter dated the 17th June, 1963 do not seem to indicate that the management originally intended to dismiss him. A lesser punishment could certainly have been inflicted for absenteeism although, of course, it was open to the management, under the standing orders, to have even dismissed him. In the circumstances of the case and, in view of the lenient view initially taken by the management, it was suggested by me at the hearing that the workman might be re-employed by way of fresh appointment on the same wage as at the time of dismissal but without any continuity of service. The management was not averse to the taking of such a step in accordance with the suggestion made by me.

11. In the case of Shri Subaniya also the position is almost exactly similar. After the enquiry report dated the 16th September, 1963 had been submitted by the Enquiry Officer, he appeared and made an application on the 30th September, which has been produced and is an admitted document. Along with his application was produced a health certificate dated the 29th September. In the application it was stated that since he was sick and under treatment at Bikaner he could not attend duty from 1st August 1963 to 29th September, 1963 and he sought grant of leave for the same period and permission to rejoin. In the health certificate, which was also by the same Ayurvedic Practitioner as in the case of Shri Devidan, Shri Subaniya was stated to have been suffering from the same disease namely, "Jvaratisar", but from 1st August 1963 to 29th September, 1963. In this case also by a letter dated the 30th September, 1963 the management allowed him to resume duty. The contents of the letter are as follows:—

"This has reference to your letter dated 30th September 1963 requesting us to allow you to resume your duties.

We have to inform you in the matter as under:—

As the enquiry proceedings in respect of your case are pending, you are allowed to resume duties with effect from 30th September, 1963 subject to the rights of the company to take action in your case in accordance with the final results of the enquiry."

Since the report of the Enquiry Officer had been already received long before Shri Subaniya joined and made his application, the management, if they intended to dismiss him could have done so under the standing orders of the Mines but here also they seem to have taken a lenient view by allowing him to resume duty with a reservation as to the action to be taken on the final result of the enquiry. That action could have been something less than dismissal as appears

from the trend of the action taken. However, by a final letter dated the 8th November, which is as follows the workman was dismissed:—

"The Enquiry Officer appointed to enquire into the charges contained in the charge-sheet dated 19th August, 1963 has submitted his report and found you guilty of the charges contained in the charge-sheet. On the 30th September, 1963, you had submitted a Health Certificate and you were allowed to join duty subject to the right of the company to take action on the results of the enquiry. As the results of the enquiry have gone against you and the charges against you have been proved, you are liable to dismissal under the Standing Orders. Neither your application dated 30th September 1963 nor the Health Certificate dated 29th September 1963 are sufficient for condonation of the misconduct which has been amply proved against you. In the circumstances, you are hereby dismissed from service in accordance with Standing Order 22(a).

Please collect your dues, if any, from the office at any time during working hours.

Yours faithfully,

For BIKANER GYPSUMS LIMITED."

In the circumstances of the case I made a proposal to the parties similar to the one made in the case of Shri Devidan and the management did not seem to be averse to the step proposed. I accordingly direct that both Shri Devidan and Shri Subaniya be re-employed by the management by way of a fresh employment (without continuity of service) but on the same wage as each of them was drawing on the date of dismissal.

Item No. 2 of the Dispute:

12. In regard to this item the union has averred that it did not wish to proceed with the dispute and as such no directions are called for. The management, however, while giving the facts of its case, as already stated above, has made an averment that there is no reason to interfere with the action taken by the management. The first point that arises for consideration, however, is whether, in these circumstances, I as Arbitrator should give any award in regard to this matter. Having given my anxious consideration to this point, I have no doubt that I am bound, under the law to make an award in these circumstances. The parties having entered into an agreement to refer the dispute to me as Arbitrator and the agreement having been published by Government Order, I have no alternative but to make an award irrespective of the present attitude of the union. The union has not actually stated that it withdraws this dispute and its averment amounts only to non-pleading of the case of Shri Manan Dev Mishra. In 1964 8 F.L.R. 32 British India Corporation Ltd., Kanpur Vs. Labour Court, Kanpur and others, it was held by the Allahabad High Court, that "where the dispute referred to the Tribunal was whether the play-off was wrongful or unjustified and whether upon its findings on that issue the workmen were entitled to any relief or not, it was not open to the Tribunal to answer the reference without determining the question whether the play-off was justified or not, and merely because the workmen, after filing their claim and written statement, absented themselves the Tribunal was not absolved of its duty to decide on merits the question whether the play-off was justified or not. It was held that the Tribunal should have decided this question, after considering the pleadings of the parties and the evidence produced by the employers". In A.I.R. 1917 Lahore, 85, Nathu Mal and another v. Muhammad shafi. It was held by a Division Bench of the High Court, consisting of Johnstone, C.J. and Chevis, J. that "where there has once been a valid reference to arbitration, the arbitrator is entitled to proceed with it, even if one of the parties refuses to submit to his arbitration." This is a more direct decision and its principles are fully applicable to the facts of the present case, although the decision is based on the provisions of the old Civil Procedure Code. Section 10A sub-section (3) of the Industrial Disputes Act, 1947 as amended, lays down that a copy of the arbitration agreement shall be forwarded to the appropriate Government and the conciliation officer and the appropriate Government shall, within fourteen days from the date of the receipt of such copy, publish the same in the Official Gazette. Sub-section (4) lays down that the arbitrator or arbitrators shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be. It follows, therefore, that after the arbitration agreement has been published the arbitrator has no alternative but to investigate the dispute and submit his award to the appropriate Government irrespective of the attitude of any one of the parties. I, therefore, proceed to deal with the dispute on the merits.

13. In view of the fact that the union has not made any averments on this item of the dispute while the management has given the full facts of the case which have not been controverted I have no alternative but to conclude that what the management has stated is correct. According to the written statement of the company Shri Manan Dev Mishra was charge-sheeted for sleeping while on duty which is a gross misconduct under Clause 21(a)(xi) of the standing orders. The charge-sheet was issued on the report of two Time Keepers based on their surprise check and a regular enquiry was held at which witnesses were examined in the presence of Shri Manan Dev Misra who was allowed to cross-examine them. He was also permitted to produce his defence. The Enquiry Officer in his report found the workman guilty of the charges contained in the charge-sheet. Instead of dismissing the workman, as they could have very well done, the management simply gave an order stopping his increment for one year along with a warning for future conduct. I see no reason to interfere with this action of the management and make an award accordingly.

Item No. 3 of the Dispute :

14. The claim of the union in this matter is based on the provisions of Chapter VII of the Mines Act, 1952, namely Sections 52 and 53 and on Rule 54 of the Mines Rules 1955. Under Section 52 of the Mines Act, every person employed in the Mines, who has completed a calendar year's service therein, has to be allowed during the subsequent calendar year, leave with wages for the period mentioned in sub-section (1) of that section. Therefore, according to the management, leave earned by the employee during a calendar year can be availed of by him in the subsequent calendar year only and not before. Again under sub-section (8) of Section 52 of the Mines Act, if the employment of a person employed in a mine is terminated by the owner, agent or manager of the mine before he has taken the entire leave to which he was entitled upto the date of the termination of his employment, or if such person having applied for and having not been granted such leave, quits his employment before he has taken the leave, the owner, agent or manager of the mine is required to pay him the amount payable under section 53 of the Mines Act in respect of the leave not taken and such payment has to be made within a certain period. According to the management therefore, the following proposition emerge from the relevant provisions of law or rules: (1) leave accrues to an employee only in the subsequent year and he is not to avail of it before that and there should be no question of encashment of any leave before it has accrued. The employee whose services have been terminated cannot therefore encash the leave for the year pro rata in which his services have been terminated, as during that year he does not complete one year's service and is not entitled to any leave. (2) In the case of resignation, the precondition for encashment of the leave is that the employee has applied for it and has not been granted such leave. Even in respect of such leave not granted, he can be allowed to encash it only to the extent that he could avail of it at the time of his resignation in the circumstances similar to above. (3) Employees who are dismissed from service cannot be put on par with those whose services have been terminated by way of simple discharge. In their case no encashment of leave at the time of dismissal is permissible.

15. I have carefully gone through the relevant provisions and have heard the learned representatives of the parties. It seems to me that the benefit of Section 52(8) of the Mines Act will not be available to an employee who has not actually completed one calendar year of service, that is to say whose entire length of service is less than one year. In case of a person who has completed one year's service, if his services are terminated during any subsequent calendar year, it seems to me that he would be entitled to proportionate leave that he may be deemed to have earned upto the date of termination of his services in view of the specific provisions of sub-section 52(8). The word 'termination' in the provision is I think wide enough to include not only a case of discharge but also dismissal. To say that the entitlement of leave under Section 52(8) is confined to the leave earned upto the end of the previous calendar year would I think be stretching the language of the provisions to the breaking point and would be inconsistent with the words in this provisions "leave to which he is entitled upto the day of termination of his employment." (2) However in the case of a person who resigns or otherwise quits his employment during a calendar year, it seems, the entitlement of leave would be confined to what he has earned upto the end of the preceding calendar year. For any other interpretation of the provision would be inconsistent with the condition "if such person having applied for and having not been granted such leave." The person concerned could not have applied for any leave supposed to have been earned during that calendar year in view of the provisions of Section 52. Therefore, a person who resigns or otherwise quits his employment during a calendar year would be entitled only to

the leave earned by him upto the close of the preceding calendar year. (3) In cases governed by Clause 28 read with 28(c) of the standing orders, the longer period of earned leave will be available but with the same limitations as explained above under the Mines Act. The learned representatives of the parties were not able to say anything against the above interpretation of the relevant provisions.

16. I, therefore, make an award as above on each of the matters in dispute. The award will be implemented within one month of its publication in the Official Gazette.

(Fifteen pages).

The 31st December, 1964.

(Sd.) ANAND NARAIN KAUL,

Central Government Industrial Tribunal, Delhi.

[No. 24/8/64-LRI.]

New Delhi, the 15th February 1965

S.O. 642.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of applications under section 33A of the said Act, from Sarvashri Ramchandra and Jogeswar, miners, 6 and 7 Pits Colliery, Jamadoba, which was received by the Central Government on the 9th February 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of Complaints under Section 33A of the Industrial Disputes Act, 1947 (XIV of 47).

COMPLAINT No. 15 of 1963

(Arising out of Reference No. 47 of 1962)

PARTIES:

Shri Ramchandra, Miner of 6 and 7 Pits Colliery, Jamadoba C/o Secretary, Tata Collieries Workers' Union, Digwadih, P.O. Jealgora Dt. Dhanbad
—Complainant.

Vs.

The Tata Iron and Steel Co. Ltd. Jamadoba, P.O. Jealgora, Dt. Dhanbad.
—Opposite Party.

COMPLAINT No. 1 of 1964

(Arising out of Reference No. 47 of 1962)

PARTIES:

Sri Jogeswar, Miner, 6 & 7 Pits Jamadoba Colliery C/o Secretary, Tata Collieries Works' Union, Digwadih P.O. Jealgora.—Complainant.

Vs.

The Tata Iron and Steel Co. Ltd., Jamadoba P.O. Jealgora, Dt. Dhanbad.—
Opposite Party.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

APPEARANCES:

For the Complainants—Sri P. Chanda, President, Tata Collieries Workers' Union.

For the Opposite Party—Sarvashree S. N. Singh, Legal Assistant and N. Sen, Welfare Officer.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 16th January, 1965

AWARD

As common questions of law arise, on the preliminary objection raised on behalf of the management in both these cases, I have decided to give one common award in both these complaints.

2. Complaint No. 15 of 1963 was filed on 16th May, 1963 by Ramchandra, Miner of 6 and 7 Pits Colliery, Jamadoba, complaining against his dismissal with effect from 1st May, 1963. Complaint No. 1 of 1964 was made on 2nd January 1964 by Jogeswar Miner of 6 and 7 Pits Jamadoba Colliery complaining against his dismissal from the service of the company since 23rd May 1963. Both these complaints were made against the same employer, namely, Tata Iron and Steel Co. Ltd., Jamadoba, owners of 6 and 7 Pits Jamadoba Colliery and were made in Reference No. 47 of 1962.

3. It may be mentioned that in Complaint No. 1 of 1964, Reference No. 42 of 1963 was also added but in course of argument subsequently no reliance was placed on that Reference because that Reference was made on 6th June 1963 whereas the workman concerned in that complaint was dismissed on 1st June 1963 before the Reference was made.

4. Sri S. N. Singh, for the company opposite party, took up a preliminary objection in both the complaints, to their maintainability on the ground that none of the two complainants were 'workmen concerned' within the meaning of Sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 in Reference No. 47 of 1962, and, as such, there was no question of any contravention of Section 33 of the Act and, therefore, the two complainants had no right to make any complaint under Section 33A of the Act.

5. Sri Chanda, who appeared for the two complainants in the two complaints, contended that these complainants must be deemed to be 'workman concerned' within the meaning of Section 33(2) in Reference No. 47 of 1962 because the workmen in Reference No. 47 of 1962 and the two complainants were represented by the same Union, namely, Tata Collieries Workers' Union and were of the same category i.e. were miners and were working in the same colliery i.e. 6 and 7 Pits Colliery and under the same employers and, therefore, there was no merit in the preliminary objection of the company.

6. In order to decide this question it is first necessary to know the nature of the dispute in these two complaints and in the Reference No. 47 of 1962. Sri Singh, in reply, conceded that these two complainants and the workmen concerned in Reference No. 47 of 1962 were represented by the same union, working in the same colliery, and were workers of the same category, but he submitted that these three grounds were not true tests in law for holding that these two complainants were 'workman concerned' within the meaning of Section 33(2) of the Act in Reference No. 47 of 1962, in that, the dispute in Reference No. 47 of 1962 was not a representative dispute but it was concerned only with the dismissal of three individual miners and it was not at all concerned with any principle which could bind all the miners of the colliery.

REFERENCE NO. 47 OF 1962

7. In Reference No. 47 of 1962 the item of dispute referred was in the following terms:—

"Whether the dismissal of Sarvashri Basdev Pasman, Bhairo Mondal and Upendra Mondal, Miners, by the management of Jamadoba 6 and 7 Pits Colliery owned by Messrs. Tata Iron and Steel Co. Ltd., P.O. Jealgora (Dist. Dhanbad) was justified? If not, to what relief are they entitled?"

This reference was dated 27th November 1962 and an award was given on 21st July 1963 in favour of the workmen by holding that the dismissal of the three workmen concerned in that reference was unjustified. From the award in that Reference published in the Gazette of India dated 28th September 1963, at page 3551, it will appear that no principle was involved nor that dispute was a representative one in which all the workmen as a class or as a category were involved nor was it concerned with any policy, nor did it call for any decision of any matter which could bind not only the three workmen concerned in that reference but also other miners who were working in that Colliery. That reference was concerned with three individual cases and their individual rights only were confined as to whether their dismissals were justified or not. In this view of the matter, I am afraid I must reject the contention of Sri Chanda and accept the contention of Sri Singh for the company.

8. In the present case also, the two complainants are concerned with their individual dismissal and rights and their dismissals have nothing to do with the other workmen of the Colliery and, therefore, the fact that these two Complainants, like the three workmen concerned in Reference No. 47 of 1962, are Miners of the same Colliery working under the same employer and are represented by the same union does not at all improve the position in law.

9. For the reasons given above, I, therefore, hold that these two complaints are not maintainable as they were not 'workman concerned' within the meaning of Section 33(2) of that Act in Reference No. 47 of 1962, and, as such these two complaints are rejected in *limina* as not maintainable.

10. This is the award which I make and submit to the Government of India under Section 15 of the Act.

Dhanbad: Dated the 15th January, 1965.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.
[No. 2/112/62-LRII.]

S.O. 643.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Karanpura Colliery, Post Office Patratu, and their workmen, which was received by the Central Government on the 8th February 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47).

REFERENCE NO. 25 OF 1963

PARTIES:

Employers in relation to the Khas Karanpura Colliery, P.O. Patratu.

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: Sri S. S. Mukherjee, Advocate.

For the Workmen: Sri S. K. Mukherjee, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th January, 1965

AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 2/11/63-LRII, dated the 20th March 1963, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to Khas Karanpura Colliery and their workmen in respect of the matter specified in the schedule below to this Tribunal for adjudication.

SCHEDULE

"1. Whether the action of the management of Khas Karanpura Colliery in verbally stopping from work Sri Joseph Minz, an Attendance Clerk, with effect from the 22nd November, 1962 and not paying him wages through regular wage sheets was justified?

2. If not, to what relief Sri Joseph Minz is entitled?"

2. Sri S. S. Mukherjee, Advocate, appeared for the company and Sri S. K. Mukherjee, Advocate, appeared for the workmen concerned. Both the parties took time on 18th January, 1965 for final settlement of the dispute and today they filed a compromise petition dated 29th January, 1965, signed by Sri S. S. Mukherjee, Advocate, on behalf of the employers and Sri S. K. Mukherjee, Advocate, on behalf of the workmen concerned; Sri D. D. Sinha, Branch Secretary, Colliery Staff Association, and the concerned workman himself, mentioning therein the terms of their agreement.

3. According to the agreement, the reinstatement of the concerned workman was not pressed and, therefore, it was agreed that the service of the workman will stand terminated with effect from the date he was dismissed; but the employees agreed to pay a sum of Rs. 1500/- to the concerned workman as an *ex-gratia* payment in full and final settlement of all his claims till the date of this compromise. It was further agreed that the aforesaid amount will be paid to the concerned workman within seven days from today (29th January, 1965), and, that the parties will bear their costs of these proceedings. The parties prayed that an award in terms of the above agreement be made.

4. I have read and considered the terms of the compromise and think they are fair and reasonable and in the interest of the parties and, therefore, I accept the same and record the compromise.

5. The aforesaid compromise is marked Annexure 'A' and an award in terms of it as prayed for by the parties is made and this compromise is made a part of the award.

6. This is the award which I make and submit to the Government of India under Section 15 of the Act.

Dhanbad,

Dated the 29th January, 1965.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 25 OF 1963

Employers in relation to the Khas Karanpura Colliery.

AND

Their workmen.

That without Prejudice to the respective contentions of the parties, the above reference has been amicably settled between the parties on the following terms.

1. That the re-instatement of Shri Joseph Minz is not pressed and therefore his service will stand terminated with effect from the date he was dismissed.

2. That the Employers will pay a sum of Rs 1500 (fifteen hundred) to Shri Joseph Minz as an *ex gratia* payment in full and final settlement of all his claim till the date of this compromise.

3. That the above amount will be paid to Joseph Minz within 7 (seven days) from date in the office of the Tribunal.

4. That the parties will bear own their own respective costs of this proceedings.

It is therefore humbly prayed that an award may kindly be passed in terms of the above compromise.

And for this your petitioners as in duty bound shall pray.

Dated 29-1-1965.

For Employers.
S. S. MUKHERJEE,
Advocate.

For Workmen.

1. JOSEPH MINZ,
Workman.

S. K. MUKHERJEE,
Advocate.

2. D. D. SINHA,
Branch Secretary,
Colliery Staff Association.

[No. 2/11/63-LRII]

S.O. 644.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bhadra Colliery (Rewa Mining Syndicate), Post Office Kotma, and their workmen which was received by the Central Government on the 8th February, 1965.

BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE C.G.I.T. No. 2 OF 1963

Employers in relation to the Bhadra Colliery
(Rewa Mining Syndicate), P.O. Kotma.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Employers: Shri D. O. Sanghvi, Advocate with Shri Ashok Kapur, Director.

For the Workmen: Shri K. B. Chougule, Authorized Representative.

At Bombay this 6th day of February, 1965

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 5/31/62-LR-II, dated 29th January, 1963, made in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above named in respect of the following subject matters to me for adjudication:—

SCHEDULE

(1) Whether the management of the Bhadra Colliery was justified in dismissing the following workmen with effect from the 13th September, 1961, namely:—

1. Shri Sirajoo, Underground Trammer.
2. Shri Sabhapati, Surface Trammer.
3. Shri Jokhooram, Surface Trammer
4. Shri Mayaram, Reliever.
5. Shri Shyamlal Miner.
6. Shri Gangaram, Miner.
7. Shri Ramcharan, Surface Trammer.
8. Shri Motisingh, Banks man.
9. Shri Chandrabhan, Ash Cooly.
10. Shri Budhasen, Miner.
11. Shri Chohandas, Miner.
12. Shri Sumant, H. Khalasi.
13. Shri Vishwanath Pandey, H. Khalasi.

(2) If not, to what relief are the workmen entitled?

2. At the adjourned hearing of this dispute at Bombay on 5th February, 1965, the parties filed a joint application recording the terms of settlement reached between them and have prayed that an Award be made in terms thereof. A copy of the said joint application of the parties, dated 5th February, 1965, is annexed hereto and marked "Annexure A".

3. As I am satisfied that the terms of settlement are fair and reasonable and in the interest of industrial peace, I make an Award in terms of Annexure "A", which shall form part of this Award.

4. No order for costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE NO. CGIT-2 OF 1963

BETWEEN

The Management of Rewa Mining Syndicate
Bhadra Colliery, Kotma (M.P.)

AND

Their Workmen.

May it Please the Hon'ble Tribunal,

Parties to this reference have arrived at the settlement, the terms whereof are as follows and pray that the Hon'ble Tribunal may be pleased to pass an award in terms of the settlement:--

Consent Terms

I. Out of the 13 workmen whose names are mentioned in the schedule to the order of reference to this Hon'ble Tribunal, the management agree to employ the following 10 persons afresh in their respective categories from the date they report for work provided they report for employment on or before 10th March 1965. Those workmen who will not report for work on or before 10th March 1965 will not be entitled to employment. Each one of the said ten workmen shall be paid Rs. 100/- (Rupee one hundred only) by the management in full settlement of all the claims of each one of them in respect of their service upto 27th October 1961:--

1. Shri Sirajoo, who was underground trammer.
2. Shri Sabhapath, who was surface trammer.
3. Shri Jokhuram, who was surface trammer.
4. Shri Mayaram who was a reliver.
5. Shri Shyamjal, who was a miner.
6. Shri Gangaram who was a miner.
7. Shri Ramcharan who was a surface trammer.
8. Shri Motising who was a Banksman.
9. Shri Budhasen who was a miner.
10. Shri Chohardas who was a miner.

II. The parties agree that as Shri Vishwanath Pandey who was a khalasi whose name is at serial No. 13 in the order of reference is already employed by the management as regard him the dispute now does not survive.

III. The management agree to pay to the two workmen whose names are in the schedule to the order of reference at serial No. 9, Shri Chandrabhan who was ash coolie and at serial No. 12, Shri Sumant who was H Khalasi Rs. 1000 (Rupees one thousand only) each in full and final settlement of all their claims against the management arising out of their service upto 27th October, 1961 including that of reinstatement.

Dated this 5th day of February, 1965.

For the workmen.

Sd./- K. B. CHOUGULE,

Secretary,
Indian National Mine Workers'
Federation and Authorised
Representative of the Workmen.

For Rewa Mining Syndicate, Bhadra Colliery.
(Sd.) Illegible,
Director,
for Management.

S.O. 645.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudem, and their workmen, which was received by the Central Government on the 11th February, 1965.

**BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD**

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm); B.C.L., (Oxon); D. Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 40 OF 1964

BETWEEN:

Workmen of Singareni Collieries Company Ltd., Kothagudem.

AND

The Management of Singareni Collieries Ltd., Kothagudem.

APPEARANCES:

Sri M. Komariah, General Secretary, Singareni Collieries Workers' Union—for Workmen.

Sri T. P. Solomonraj, Welfare Officer of the Singareni Collieries—for the Management.

AWARD

By the Government of India, Ministry of Labour and Employment's letter No. 7/11/64-LR. II, dated 22nd September 1964 the industrial dispute between the employers of the Singareni Collieries Company Limited, Kothagudem, and their workmen was referred for adjudication with the following issues framed viz.,

- "1. Whether the pay of the fillers of the Singareni Collieries Company Limited, Kothagudem mentioned below, who were promoted as coal cutters on 8th July 1963, has been properly fixed:—

M/s Bada Baliah, Chandragiri Komariah, Rajahmad, Boya Rajam, Kanukuntla Venkaty, Mahabeer Singh, Gudla Sailoo, Adapal Gopiah, Paltham Malliah, Gadam Venkaty, Mekala Kanniah, Chengagarapu Veeramaloo, Illattori, Saheb, Dunra Arjuna, Kalkoti Malliah, Ramaprasad, Puli Lingloo, Appala Durgiah, Bangari Mondli, Kommula Elliah, Mandapuri Ramuloo, Mekala Deviah, Madagiri Ramulu, Md. Ankoos, Yasa Malliah, Bangari Rajam, Soopari Macham, Gajula Malliah, Samanthula Odeloo, Kukkamudi Elliah, Kalvala Laxmiah, N. Venkataratnam, Abdul Subhan, Fakeer Ahmad, Sallori Malliah, Mittapalli, Rajam, Bandari Ramuloo, Bokka Satyam, Tammanapudi Saiboo, Ramancha Malliah, Radrapu Rajam, Kunch Palliah and Mamidi Momariah.

2. If not, to what relief are the workmen entitled?"

2. The reference was registered here as industrial dispute No. 40/1964. The parties adduced one witness each and filed a few documents. Arguments have been heard.

3. Briefly, the facts are that the employer took the several fillers mentioned in the Schedule on the posts of coal cutters from 8th July 1963. Admittedly, under the Coal Award, the fillers though piece-rated are considered as Category V workmen for the purpose of minimum guaranteed wages and the coal cutters are daily-rated workmen, Category VI special. The employer started them at the minimum daily wage of Category VI special viz., Rs. 1.50 Ps. basic. The workmen's stand is that the said fixation of wages is incorrect and proper wages in

Category VI special should be fixed for them. They want that it should be based on the average daily earnings, say, of a month of the several fillers under consideration. They state also that the maximum daily basic wage of Category VI special is Rs. 2.16 Ps. but, their representative Sri M. Kumarayya made it clear that he does not want that the fixation should be at the maximum of Rs. 2.16 Ps. He has stated that he has worked out the above-mentioned average of these workmen's wages and it has come to Rs. 1.94 Ps. This should be the wage fixed for them on 8th July 1963. But, if the employer works out any other average on the record of their earnings he will accept the same. However, he has also claimed that normal increment of the grade should also be awarded.

3. (1) The employer is not agreeable. His stand is that here is a case of fresh appointments. The fillers under consideration were appointed afresh on their applications. They were told at the time of the appointment that they will be given a basic wage of Rs. 1.50 Ps. They have accepted the same and, therefore, they are estopped from claiming any refixation of their wages. Another prop of the employer's stand is that the fillers are piece-raters and the coal cutters are daily-raters under the Coal Award. The wages of fillers are comprised of many allowances and vary according to the work turned out. Hence, it is difficult and unpractical to work out any average. The said wages differ from filler to filler and vary also according to the number of days worked. Again, the wages vary according to the pushing and other allowances earned and that is why it is difficult and unpractical to determine the average wage. In paragraph 8 of the counter the employer has also contended that, if the fillers are to be fixed in coal cutters scale at a stage above the average pay as is demanded by the Union, the maximum of the scale of coal cutters would be much less than the average pay of atleast some of the fillers under reference. This principle if adopted would entail fixing many of these fillers, although appointed to the same job on the same date, and none of them having acquired any experience as coal cutter, at different stages in coal cutters scale. It would also throw an increasing burden on the employer and would reflect upon the cost of production without any corresponding advantage to the industry.

3. (2) I have considered the above contentions of the employer carefully. I am afraid I do not agree. It appears to me that the employer's case rests mainly on the appointments of the fillers being fresh appointments. The question is whether it is so. The representative of the employer waxed eloquent on this point and contended that the fact that the appointments were fresh is fully proved: applications were invited, four officers of the company interviewed more than 74 fillers and out of them selected the fillers mentioned in the Schedule to the order of reference. They were told that they are appointed as coal cutters and that they will be given a wage of Rs. 1.50 Ps. per day and that they would have to work in a gang of four. He contended and his contention is correct that all this is proved by evidence. However, it should be noted that M.W. 1, who was one of the four officers who interviewed the fillers, has conceded in his deposition that, though when a filler is appointed as a coal cutter his service as a coal cutter will be fresh, yet, his previous service for all other purposes will not be ignored. It is, therefore, evident that when previous service is not ignored it cannot be a fresh appointment. Fresh appointment means beginning at a scratch. It will be straining the language too much to agree with the employer that the appointments of the fillers under consideration were fresh appointments when for all purposes their past services are to be counted. I, therefore, do not agree with this firm stand of the employer that the appointments were fresh.

3. (3) Similarly, I do not agree with the contention in the employer's counter that as the workmen accepted the wage of Rs. 1.50 Ps. per day, they are estopped from demanding more. The reason is that it is an elementary principle of Industrial Law that workmen cannot contract out of any benefit conferred on them. In view of this principle, if on the record of this case, the workmen are held to have been entitled to a refixation of wages, they would certainly get it and the plea of estoppel will not avail.

3. (4) The employer also insisted that the appointments were not promotions. It is admitted, however, that under Coal Award coal cutters basic grade is Rs. 1.50 Ps. to 2.16 Ps. and under the same Award fillers are admittedly placed under Category V and the basic grade of Category V is Rs. 1.31 to 1.85 Ps. It is, therefore, evident that when a filler is appointed to be a coal cutter the basic wage was higher. In the conciliation meeting dated 9th April 1964 the management's representative stated that 'the management has called for applications from all lower category workmen desirous of working as coal cutters'. This would also show that it was admitted that fillers were of a lower category and they were sought to be appointed to a higher category. Obviously, this means promotion. But, whether it is a promotion or not may not be emphasised. Evidently, here was a change of job or a transfer from one job to another.

3. (5) The question, therefore is why in such circumstances should I not consider the demand of the workmen for proper fixation of wages in the Category VI special to have been correctly made? In 1963 some coal cutters were appointed Shot-firers in Bellampalli Division and they were given the maximum of the grade of Rs. 43—3—52, viz., Rs. 52. This was because the coal cutters were then piece-raters and were getting an average of Rs. 60 to 70, per month and, hence, on promotion they were all fixed at Rs. 52 per month. But, similar treatment was not meted out to the other piece-rated coal cutters who had been promoted as shot-firers earlier from 1956—62. The Bellampalli Branch of the Singareni Collieries workers Union, therefore, demanded a higher fixation for all of them and this was agreed to by the management and similar higher fixation was done in their cases also. Obviously, as in the case under consideration also the piece-rated coal fillers are promoted to be daily-rated coal cutters, the same principle should apply. But, it was contended on behalf of the employer that the analogy of Bellampalli agreement is not applicable here, for the reason that, the company was then faced with the dearth of shot-firers, and there was a danger of closing it down on that ground. Hence, the company made the agreement in exceptional circumstances which do not exist now. Secondly, the company agreed also as some fillers of the Bellampalli Division had passed the shot firer examination and the company thought that the higher fixation to which it agreed would enable them to pass even higher examinations and they would thus become eligible for higher posts like those of Sardars. This circumstance again is not present now. The fillers under consideration have not passed the shot-firer examination. I concede that analogies do not walk on all fours. I may, however, point out that if the Bellampalli agreement of 1963 was made when the company was faced with the dearth of shot-firers why did it agree to revise the cases of all the coal cutters from 1956 to 1962. Obviously, because the demand was reasonable. And it appears to me also that the company's administrative consideration of enabling shot-firers to appear for examinations for higher posts may also be applicable in this case. The fillers have now become coal cutters they may qualify themselves for the posts of shot-firers and then for those of Sardars and so on. There appears to be no reason why the employer should have administrative imagination in that case and not have it here.

3. (6) Similarly, I do not agree with the contention of the representative of the employer that it is difficult and unpractical to find out the average earnings of the fillers under consideration. As already stated, the reasons advanced for the same are that earnings in a given period are different owing to difference in individual turn out; the numbers of days worked and the various allowances earned. It appears to me obvious that inspite of these differences wages were earned in a given period and therefore average per head can also be worked out. In fact, Sri M. Kumarayya has worked out the average and according to him it is Rs. 1.94 Ps. He has also stated that if this average is incorrect and the employer works out another average on the record of the earnings and shows it to him he will accept it. Again the other contention in the employer's counter that the earnings of the many of coal fillers under consideration were more than even the maximum of category VI special, is neither here nor there. The said workmen knew what their earnings were. Even so, they accepted the jobs of coal cutters and Sri Kumarayya on their behalf is urging the proper fixation of wage in Category VI special at Rs. 1.94 Ps. This alone is to the point. The contention of the employer that coal fillers when appointed as coal cutters do not have any experience of the job is not correct. M.W. 1 has admitted that the company prefers and usually appoints coal cutters from the category of fillers because of their experience as fillers come handy in the job of a coal cutter. Hence, if the company has to pay more by the appointment it gets more experienced persons as coal cutters.

4. For the reasons detailed above I held that the wages of the fillers specified in the Schedule appointed as coal cutters have not been properly fixed. Sri Kumarayya has worked out the average of the daily earnings of the fillers under consideration and has specified it in the claims statement. The employer in the counter or in evidence or argument did not specifically questioned it by showing it to be wrong. As already stated the employer took the stand that it was not practical to work out the said average. I have not accepted this contention and have specifically held above that, as the fillers earned wages before appointment as coal cutters, average can be worked out. All this incline me to hold that, as the employer did not specifically question the average of Rs. 1.94 Ps, it is correct. I, therefore, direct that the employer should refix the wages of each of the fillers under consideration not at Rs. 1.50 Ps per day, but at Rs. 1.94 Ps. The next question is about the dates from which the re-fixation would take effect. Sri Kumarayya has urged it to be the date of appointment or promotion

as coal cutters, viz., 8th July 1963. He has also claimed the grade increment on 1st January 1964. He argued towards the end of December 1964 and, therefore, did not make any mention of increment on 1st January 1965. The increments are provided in the scale and if I date the refixation from 8th July 1963; the fillers will get two increments and the refixation will be at the maximum of the coal cutters grade of Rs. 2.16 Ps. It may be noted that Sri Kumarayya specifically stated that he does not claim refixation at the maximum of the grade. I understand also that he has included one increment already while working out the average at Rs. 1.94 Ps. Considering all this, I direct the refixation should be from 1st January 1964 only. And it is to this relief that the workmen are entitled to.

Report to Government, given under my hand and the seal of the Court, this the 30th day of January 1965.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.

List of Witnesses examined for:

Workmen:

W.W. 1: SRI APPALA DURGAYYA.

Employer:

M.W. 1: TEHMURUS M. DAVER.

List of documents marked for Workmen:

Ex. W1: Minutes of discussions held by the conciliation officer (C) Secunderabad on 29th September 1963 with the parties to this dispute.

Ex. W2: Memo. of settlement made during the Conciliation Proceedings on 30th November 1964 and 1st December 1964.

Ex. W3: Copy of letter from the Conciliation Officer addressed to the Chief Labour Commissioner, New Delhi, along with 2 enclosures.

List of documents marked for Management:

Ex. M1: Note of the Under-Manager of the management—Company reg. interview and selection of certain coal cutters.

Ex. M2: Office Order of the Manager, 5 Incline of the Management, dated 8th July, 1963.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.
[No. 7/11/64-LRII.]

ORDERS

New Delhi, the 9th February 1965

S.O. 646.—Whereas an industrial dispute exists between the Associated Cement Companies Limited, Nowrozabad Colliery, Post Office Nowrozabad (hereinafter referred to as the said Company) and their workmen represented by the Nowrozabad Colliery Mazdoor Sangh, Post Office Nowrozabad, District Shahdol (Madhya Pradesh) (hereinafter referred to as the Union);

And whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to arbitration of the person named therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 1st February, 1965.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act 1947)

BETWEEN

NAMES OF PARTIES:

Representing Employers: Mr. G. L. Govil, Senior Personnel Officer, The Associated Cement Cos. Ltd.

Representing Workmen: Mr. K. B. Chougule, General Secretary, Nowrozabad Colliery Mazdoor Sangh.

It is hereby agreed between the parties to refer the following Industrial Disputes to the Arbitration of Mr. F. Jeejeebhoy, Retired President, Labour Appellate Tribunal of India, residing at 'Firuz Ara', Churchgate Reclamation, Bombay-1.

(i) *Specific matters in dispute:*

(a) Disputes specified in the following notifications copies of which are annexed hereto and collectively marked as Annexure 'A'.

Govt. of India, Ministry of Labour & Employment Order, dated.....	Published in the Gazette of India, Part II, Sec. 3(ii)		
	Notification No.	Date	Page
19-II-1962	S. O. 3549	24-II-62	3877
(In so far as Issues 1 & 5 only are concerned ; other issues have already been heard by the CGIT, Bombay).			
24-I-1964	S.O. 396	1-2-64	461
8-7-1964	S.O. 2495	18-7-64	2940
1-8-1964	S.O. 2702	8-8-64	3096

(b) Whether each of the following complaints filed by the workmen before the Central Government, Industrial Tribunal, Bombay, under section 33A of the Industrial Disputes Act and numbered by the said Tribunal as follows are maintainable under Section 33A as and when originally filed and if so to what relief the concerned complainants are entitled? And in complaint No. 23 of 1964 in addition to the issue as to whether the said complaint is maintainable and to what relief the workmen are entitled, the issue as to what is the effect of order, dated 29th February, 1964 of the Central Government Industrial Tribunal, Bombay, in Application Nos. 1 to 6 of 1964 shall be decided.

Name(s) of the Complainant(s)	No. as given by the Tribunal.
Shri Lurka Dass	CGIT- 3 of 1963
M/s. Ramadhar Nigam & 17 others	„ 9 of 1963
Shri Garib Dass	„ 14 of 1963
M/s. Ishwar Dass & 7 others	„ 20 of 1963
M/s. K. K. Tiwari & Syed Noor	„ 21 of 1963
Shri Mulloo Ram	„ 25 of 1963
Shri Rattan	„ 27 of 1963
Shri Baldeo	„ 28 of 1963
Shri Bhim Sen	„ 11 of 1964
M/s. Ramadhar Nigam & 5 others	„ 23 of 1964

The said disputes as specified in para (i) (a) above were referred by the Central Government to Mr. Salim M. Merchant, the Central Government Industrial Tribunal, Bombay for adjudication and the said complaints as specified in para (i) (b) above were filed by the concerned workmen before the said Tribunal. The parties by their joint application, dated 18th January, 1965 to the said Tribunal asked for permission to withdraw the aforesaid References and Complaints and the said Tribunal by its Order, dated 27th January, 1965, granted permission for withdrawal of all the aforesaid disputes and the Complaints:

(ii) *Details of the parties to the disputes including the name and address of the establishment or undertaking involved:*

(a) The Associated Cement Cos. Ltd., Nowrozabad Colliery, P.O. Nowrozabad.

(b) The workmen of the Nowrozabad Colliery as represented by the Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad.

(iii) Name of the Union representing the workmen in question:

The Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad, Distt. Shahdol (M.P.).

(iv) Estimated number of workmen affected or likely to be affected by the dispute: About 1900.

We further agree that the decision of the said Arbitrator shall be binding on us.

Witnesses:

Signature of Parties:

1. Sd./- Illegible 28-1-65	(Representing Employer)	Sd./- G. L. GOVIL, 28-1-65
2. Sd./- Illegible	(Representing Workmen)	Sd./- K. B. CHOUGULE,
I consent to act as Arbitrator.		Sd./- F. JEEJEEBHOY.

ANNEXURE 'A' (Coll)

Reference No. 45 of 1962

ORDERS

New Delhi, the 19th November 1962

S.O. 3549.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., P.O. Nowrozabad, Distt. Shahdol, Madhya Pradesh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., in installing only one weighbridge at the washery for all the three inclines of the colliery is in due conformity and compliance with the letter and spirit of the terms of agreement, dated the 24th March 1960 and forming a part of the compromise award, dated 31st March, 1960, passed by the Central Government Additional Industrial Tribunal, Bombay in Reference No. 1 of 1960? If not, to what relief are the concerned miners entitled:

2. Whether the following categories of workmen employed in the coal washing plant of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., are entitled to:—

- (a) Revision of wage rates including dearness and other allowances;
- (b) change of designation or categorisation;
- (c) supply of uniforms.

If so to what extent and from what date?

Categories of workmen:

- (i) Trammers.
- (ii) Tippler operators.
- (iii) Washery Foreman

- (iv) Washery Assistant Foreman.
- (v) Washery attendants.
- (vi) Washery Helpers.
- (vii) Washery Mazdoors.
- (viii) Crusher supervisors.
- (ix) Crusher helpers.
- (x) Crusher & Chute attendants
- (xi) Electricians.
- (xii) Assistant Electricians.
- (xiii) Fitters.
- (xiv) Assistant Fitters.
- (xv) Fitter & Electrician helpers.
- (xvi) Shale & reject pickers.
- (xvii) Bull dozer operators.
- (xviii) Bull Dozer Helpers.
- (xix) Welders.
- (xx) Greasers.
- (xxi) Oilmen.

3. Whether the management of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., was justified in discontinuing the leave and gratuity facilities originally admissible to Sarvashri Abdul Jalil Khan and Syed Noor in the Cement Works wherefrom they were transferred? If not to what relief are those two workmen entitled in this respect?

4. Whether the management of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., was justified in not granting the general increment given to colliery workers in June 1960 to Shri Jalil Khan who was appointed in the colliery on the tenth January 1960 on relief from Kymore Cement Works of the same company? If not, to what relief is the workman entitled?

5. Whether the present system of measurement adopted by the management of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., distinguish the quantity of coal mined by machine cut from those obtained by solid blasting is satisfactory? If not, to what relief are the workmen entitled?

6. Whether the Crusher Supervisors employed in the Coal Washing Plant of Nowrozabad Colliery of M/s. Associated Cement Companies Limited are entitled to the payment of any extra wages for doing the work of taking down the attendance of the workmen working under them? If so at what rate and from which date?

S.O. 396.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery, P.O. Nowrozabad, Distt. Shahdol, Madhya Pradesh, and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the payment of 50 Np per day per head made to the workmen by the company for the lead & lift in excess of 150 feet and 25 feet respectively is adequate? If not, what should be the rate of payment to the workmen on this account and from which date?

2. Whether the extra payment on account of excessive lead and lift should be made to those workmen to whom the management is now allowing it at present? If so to whom all and at what rate?

New Delhi, the 8th July 1964

S.O. 2495.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Nowrozabad Colliery of Messrs Associated Cement Company Limited, Post Office Nowrozabad and their workmen in respect of the matters specified in the schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under Section 7A of the said Act.

SCHEDULE

1. Whether the dismissal from service of Shri Raghubans, Trammer of No. 3 Incline was justified and proper?

2. If not, to what relief is he entitled?

A. L. HANDA, Under Secy.

[No. 5/7/64-LR.II.]

New Delhi, the 1st August 1964

S.O. 2702.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Nowrozabad Colliery of Messrs Associated Cement Cos. Ltd., Post Office Nowrozabad, Distt. Shahdol (Madhya Pradesh) and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of Nowrozabad Colliery of M/s. Associated Cement Cos. Ltd., in retiring Shri Inderpal (s/o Matadin) with effect from 30th September, 1963, was wrongful?

2. If so, to what relief is the workman entitled.

[No. 5/10/64-LR.II.]

A. L. HANDA, Under Secy.

[No. 5/3/65-LR.II.]

New Delhi, the 10th February 1965

S.O. 647.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Lakurka Colliery of Messrs New Lakurka Colliery Company, Post Office Katrasgarh (Dhanbad), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the New Lakurka Colliery of Messrs New Lakurka Colliery Company in retrenching from their service Sarvashri Pashupati Pandey and Jagannath Pandey, Depot Guards, with effect from the 1st January, 1965, was justified? If not, to what relief are the workmen entitled?

[No. 2/10/65-LRII.]

S.O. 648.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery of Messrs Bhowra-Kankanee Collieries Limited, Post Office Bhowra, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Bhowra Colliery of Messrs Bhowra-Kankanee Collieries Limited, in terminating the services of Shri Kunjal Passi, Pick Miner, No. 3 Pit, with effect from the 6th November, 1964 and placing his name on the 'badli' list from the said date was justified? If not, to what relief is the workman entitled?

[No. 2/6/65-LRII.]

S.O. 649.—Whereas an industrial dispute exists between the Associated Cement Companies Limited, Kotma Colliery, Post Office Kotma Colliery and their workmen represented by the Kotma Colliery Mazdoor Sangh, Post Office Kotma Colliery (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act 1947 (14 of 1947), referred the said dispute to arbitration of the person named therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 3rd February, 1965.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Names of parties:

Representing Employers.—Mr. G. L. Govil, Senior Personnel Officer, The Associated Cement Companies Limited.

Representing Workmen.—Mr. K. B. Chougule, President Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery.

It is hereby agreed between the parties to refer the following industrial disputes to the arbitration of Mr. F. Jeebhoy, retired President, Labour Appellate Tribunal of India, residing at 'Firuz Ara', Churchgate Reclamation, Bombay-1.

(i) *Specific matters in dispute:*

Disputes specified in the following notifications copies of which are annexed hereto and collectively marked as Annexure 'A':

Sr. No.	Date of order of the Govt. of India, Ministry of Labour and Employment.	Notification Number.	Published in Gazette of India Part II Sec. 3 (ii)	
			Date	Page
1.	31-1-1964	S.O. 491	8-2-64	649
2.	12-2-1964	S.O. 641	22-2-64	864

The aforesaid disputes had been referred by the Central Government to the adjudication of Mr. Salim M. Merchant, Central Government Industrial Tribunal, Bombay, and the parties had by their joint application dated the 18th February 1965 to the said Tribunal asked for permission to withdraw the same and the said Tribunal by its Order dated 27th January 1965 granted permission for the withdrawal of all the aforesaid disputes.

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved:*

(a) The Associated Cement Companies Limited, Kotma Colliery, P.O. Kotma Colliery;

(b) The workmen of Kotma Colliery as represented by the Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery.

(iii) *Name of the Union representing workmen in question:*
The Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery.(iv) *Total No. of workmen employed in the undertaking affected:*
About 1,800.(iv) *Estimated number of workmen affected or likely to be affected by the dispute:*
About 1,800.

We further agree that the decision of the said Arbitrator shall be binding on us.

Witnesses

1. Sd/- Illegible.

2. Sd/- Illegible.
28.1.65.

Signature of parties
Sd./- G. L. Govil,
Senior Personnel Officer,
The Associated Cement Cos. Ltd.,
Kotma Colliery.

(Representing Employer)

Sd./- K. B. CHOUGULE,
President,
Kotma Colliery Mazdoor Sangh.
(Representing Workmen).

I consent to act as Arbitrator.

Sd/- F. Jeejeebhoy.

ANNEXURE A (COLL.)

ORDERS

New Delhi, the 31st January 1964

S.O. 491.—Whereas, the Central Government is of opinion that an industrial dispute exists between the Employers in relation to the Kotma Colliery of Messrs Associated Cement Cos. Ltd., and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (d) of Sub-Section (i) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under Section 7A of the said Act.

SCHEDULE

Whether the Miners employed in Kotma Colliery were required to push empty tubs beyond 500 feet? If so, to what relief are they entitled and from what date?

A. L. HANDA, Under Secy.
[5-2-64-LR.II.]

New Delhi, the 12th February 1964

S.O. 641.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Kotma Colliery of Messrs Associated Cement Companies Limited and their workers in respect of the matters specified in the schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under Section 7A of the said Act.

SCHEDULE

Whether the demand of the workers for allowing accumulation and carrying forward of sick leave is justified? If so, to what extent?

3

Sd./- A. L. HANDA,
Under Secretary.
[5-2-64-LR.II.]
[No. 5/4/65-LR.II.]

New Delhi, the 15th February 1965

S.O. 650.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nandini Lime Stone Mines of Bhilai Steel Project and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the workers of Nandini Mechanised Mines of Bhilai Steel Project, Post Office Nandini Mines Durg District had achieved the target of production to entitle themselves for the payment of 10% production bonus in the month of August, 1964?

2. If so, whether the management was justified in denying the payment thereof to the workers? If not, to what relief are they entitled?

[No. 22/41/64-LR-I.]

H. C. MANGHANI, Under Secy.

New Delhi, the 15th February 1965

S.O. 651.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal, New Delhi in the industrial dispute between the Air India and their workmen which was received by the Central Government on the 3rd February 1965.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL, NEW DELHI

REFERENCE No. NIT-1 OF 1964

PARTIES:

Employers in relation to Messrs Air India, Bombay.

AND

Their workmen.

PRESENT:

Shri G. D. Khosla, Presiding Officer.

APPEARANCES:

On behalf of Employers:

Shri S. D. Vimadalal, Bar-at Law, with Shri S. K. Wadia, Solicitor, Shri A. S. Banvalikar, Personnel Manager and Shri S. N. Roy Chowdhury, Establishment Officer, Air India.

On behalf of Workmen:

- (i) Shri D. H. Buch, Advocate, with Shri George Clement, Regional Secretary Air Corporations Employees' Union.
- (ii) Shri K. K. Singhvi, Advocate, with Shri K. T. Laxmanan, and Shri P. G. Karkhanis, Air India Employees Union.
- (iii) Shri C. L. Dudhia, Bar-at-Law, with Captain Narendra, General Secretary, Indian Pilots' Guild.
- (iv) Shri P. D. Kamerkar, Advocate, with Shri K. R. N. Swami and Shri A. C. Sen, All India Aircraft Engineers' Association.
- (v) Shri P. D. Kamerkar, Advocate, with Shri S. N. Bajpai and Shri L. B. Bhatia, Indian Flight Navigators' Guild.
- (vi) Shri C. L. Dudhia, Bar-at-Law, with Shri D. H. Dallas, President and Shri A. K. Chakravarty, General Secretary, Indian Flight Engineers' Association.

INDUSTRY: Airlines.

PLACE: Bombay.

Dated at Bombay, the 15th January, 1965

AWARD

The appointment of this Tribunal was notified by the Central Government, Ministry of Labour and Employment, by its notification S.O. 2560 on the 25th July 1964. On the same day by notification S.O. 2561 an industrial dispute between the Management of Air India and their workmen was referred to the Tribunal for adjudication. The matters in dispute are set out in a schedule attached to the Notification and there are in all 57 items of dispute between the Management of Air India and their workmen and there is also an item relating to the relationship between the wage structure of Air India and the wage structure of the Indian Airlines with reference to comparative categories of workmen performing similar functions.

2. The parties to these proceedings are:

Party No. 1—Air India Corporation, Bombay, to which it will be convenient to refer as the 'Corporation' or the 'Management'.

AND

Their workmen which fall into six categories as follows:

Party No. 2—Air Corporation Employees' Union, Bombay.

Party No. 3—Air-India Employees' Union, Bombay.

Party No. 4—Indian Pilots' Guild, Bombay.

Party No. 5—All India Aircraft Engineers' Association, Bombay.

Party No. 6—Indian Flight Navigators' Guild, Bombay, and

Party No. 7—Indian Flight Engineers' Association, Bombay.

3. An application on behalf of Party No. 3 was made to this Tribunal that the demand relating to Interim Relief (item 57 in the Schedule attached to the Reference Order of the Government of India) may be heard and adjudicated immediately. This application was heard at Bombay on the 18th November 1964 and orders were passed that more material and further details and evidence to substantiate the claim should be produced before this item could be adjudicated upon by the Tribunal. The parties were directed to file further material as had a bearing on the matter and to produce evidence in support thereof.

4. An application has now been made by the Air India, namely, Party No. 1 to these proceedings and the Air Corporations Employees' Union, namely, Party No. 2 praying that an agreement arrived at between them with regard to interim relief (item No. 57 in the schedule annexed to the order of reference) should be made an award of the Tribunal. Objection is taken to this application on behalf of Party No. 3, namely, the Air India Employees' Union.

5. The details of the agreement are set out in the copy of the agreement annexed hereto. Briefly by this agreement interim relief is sought to be given to employees of the Air India drawing a salary of less than 650/- per mensem.

6. Before the present dispute was referred to this Tribunal, the Air India gave some interim relief by Staff Notice No. 15/64-65, dated the 1st June 1964. The relief then given had retrospective effect from 1st January 1964. Representations were made to the management by the Air Corporations Employees' Union subsequently and the agreement which is now before the Tribunal was arrived at and the present relief is proposed to be given with effect from 1st April, 1964.

7. Before coming to the objections raised on behalf of Party No. 3, it is necessary to state that interim relief is not a final determination of the salaries and wages which are considered adequate for employees of this category. This matter is *sub-judice* and will be finally determined when all the evidence of the parties has been taken and Counsel for parties have been heard. Interim relief in the very nature of things is a temporary relief which is given because some immediate relief is considered necessary. Such relief cannot in the very nature of things be finally adequate because the adequacy of relief is the very subject matter of inquiry. Another factor which must be noted is that the employees of the Air India are stationed at various places in India and the conditions prevailing in Bombay cannot be the sole criteria for determining the interim relief to which the employees are entitled. Therefore the analogy of employees of other industrial concerns in Bombay will not be very relevant.

8. The nature of the relief granted under this agreement may be gauged from the following brief table showing the basic salary, the present dearness allowance, interim relief under the Staff Notice of 1st June 1964 and the relief now being given:

Basic Salary	Present Dearness Allowance	Interim Relief under Staff Notice of 1-6-1964	Present Relief
53	75	30	34
63	78	30	36
75	83	30	37
100	93	30	38
120	98	30	38

It will therefore be seen that in every case the relief now given is substantially more than what was given by the Staff Notice of 1st June 1964. The main argument raised on behalf of Party No. 3 by Mr. Singhvi who appeared on their behalf was that the relief which is now being given is extremely inadequate. I may mention here that Party No. 3 was not a party to the agreement although the members of this Union are employees drawing salaries under Rs. 650 per mensem. Originally there was only one recognised union, namely, Party No. 2, which embraced all employees drawing a salary below Rs. 650. This Union was recognised in 1953. Subsequently it appears there was a split among the employees in September 1962, and Party No. 3 was formed. I am told, although no evidence was produced before me, that the membership of Party No. 2 is in the neighbourhood of 2,800 whereas the membership of Party No. 3 is considerably less, being not more than a thousand. Be that it may the fact remains a large majority of workmen affected by this agreement are party to the agreement. Mr. Buch who appeared on behalf of Party No. 2 supported the agreement and prayed that it be made an award of the Tribunal.

9. Mr. Singhvi drew my attention to the case of two other industrial concerns, namely, the Firestone Tyre and Rubber Company Private Limited and the General Electric Company of India Private Limited. A reference to the dearness allowance determined by the Industrial Tribunal at Bombay on 7th November 1962 is contained in paragraphs 67 to 69 of the written statement filed by Party No. 3. Briefly speaking, Mr. Singhvi's contention is that the workmen of the Firestone Tyre and Rubber Company Private Limited were granted dearness allowance at the rate of 125 per cent of the salaries up to Rs. 100. There was a further provision that as the index of cost of living rose they would be entitled to an increase of 5 per cent of the basic salary for every 10 points. In the case of the General Electric Company of India the figures were even higher. The dearness allowance was determined at 145 per cent of the basic salary for all workmen drawing a salary upto Rs. 100 per mensem and an increase of 5 per cent was to take effect for every ten-point rise in the cost of living index. I have already indicated that the wages fixed for other industrial concerns have very little relevance; also it must be repeated that we are at present considering interim relief and not a final determination of the workmen's wages. Even so we find that for the lower paid workmen interim relief now given under the agreement between Air India and Party No. 2 is better than the relief given to the workmen of the Firestone Tyre and Rubber Company and General Electric Company. A workman drawing a basic salary of Rs. 50 was entitled to dearness allowance to the extent of Rs. 62.50 and an increase of Rs. 25 on account of a rise of 100 points in the cost of living index. Thus his total dearness allowance came to Rs. 87.50. In the case of an Air-India employee drawing a salary of Rs. 50 the dearness allowance under the agreement comes to Rs. 108. Similarly for a person drawing a salary of Rs. 60 in Firestone Tyre and Rubber Company would get a dearness allowance of Rs. 105 corresponding to the dearness allowance of Rs. 112 given under the agreement under consideration. The dearness allowance payable to the workmen of General Electric Company of India is Rs. 97.50 for an employee drawing a salary of Rs. 50 and Rs. 117 for an employee drawing a salary of Rs. 60.

10. It is, therefore, seen that for the lower paid employees who need interim relief the most the agreement entered into between the Air India and Party No. 2 is more beneficial than the award given by the Bombay Tribunal to the employees of the Firestone Tyre and Rubber Company and the General Electric Company. I am assuming that the figures with regard to the rise in cost of living given by Mr. Singhvi are correct. According to him the cost of living index in May 1960 was 421 whereas in November 1964 it is 543. There has, therefore, been an increase of 122 points. The Industrial Tribunal at Bombay determined the wages in November 1962 when the index of cost of living must have been higher than in 1960. I, therefore, find that if we look upon the benefits given under the agreement as nothing more than in the nature of a temporary and interim relief it cannot be said to be so wholly inadequate as to warrant rejection by this Tribunal. It must be remembered that a very large body of workmen affected by this agreement has consented to it and wishes the agreement to be made an award of the Tribunal.

11. Another point raised by Mr. Singhvi was that Air India had made a very large profit in the year 1963-64 and that therefore greater relief to the workmen is justifiable. There is no doubt that the financial condition of an industry bears relation to the wages of its workmen. But this is a matter which is sub-judice and under inquiry, and merely because the last balance-sheet of the Air India Corporation shows a substantial profit there is scarcely justification for giving increased interim relief without regard to other matters which have even greater relevance to the question of wages than the profits earned by the Corporation.

12. Another point urged by Mr. Singhvi was that the agreement should have been made effective from 1st January 1964 and not from 1st April 1964. I have already pointed out in the earlier part of this award that a substantial relief was given to the workmen with effect from 1st January 1964 under the Staff Notice of 1st June 1964. The present relief which is slightly higher becomes effective from 1st April 1964. I see no reason for holding that the date of 1st April 1964 is in any way unjust or harsh to the workmen.

13. According to the written objections filed by Party No. 3 the mode of application of the agreement to temporary employees was unjust. This point was not raised before me except in passing and it seems to me that there is nothing invidious or unjust in the provision that the *ad hoc* increment payable under the agreement will also benefit temporary workmen provided they had completed one year's continuous service on 1st April 1964. There can be no question of earning an increment in the normal way or as an *ad hoc* increase in salary unless the workman has served the management for a year which is the normal period for earning an increment.

14. I am therefore satisfied that the agreement which is before me provides adequate interim relief to workmen drawing salaries upto Rs. 650 p.m. and since the majority of the workmen affected by it are party to the agreement and wish it to be made effective, I make an award in terms of the agreement and submit it to the Government.

15. In the circumstances of the case I make no order as to costs.

G. D. KHOSLA,
Presiding Officer.

1.2.1965.

ANNEXURE
BEFORE THE NATIONAL TRIBUNAL, NEW DELHI
(REF. No. NIT-1 OF 1964)

In the matter of the industrial dispute before the National Tribunal between Air-India and the workmen as represented by Air Corporations Employees Union Bombay.

May it please your Lordship!,

The parties named above respectfully submit as follows:—

By Staff Notice No. 15/64-65 dated June 1, 1964, the Management of Air-India announced the grant of Interim Relief on the scale mentioned in Appendix A and the said Relief is being paid to the workmen drawing a basic pay upto Rs. 650 per month covered by the above reference with retrospective effect from 1st January 1964.

2. In view of the representation made to the Management by the Air Corporations Employees Union, which is a party representing workmen in the above said dispute, an agreement has been reached between the Management of Air-India and the Air Corporations Employees' Union that one *ad hoc* increment should be granted to the workmen represented by the said Union, on the following conditions:—

- (i) Subject to what is stated therein below, one *ad hoc* increment in the existing scale of pay would be granted with effect from 1st April 1964 to those workmen whose basic pay-scale does not exceed Rs. 650 per month.
- (ii) The said *ad hoc* increment would be added to the basic pay as on 1st April 1964 in the existing grade of those workmen who are in the permanent service of the Corporation on the said date, at the rate at which his next immediate increment may be due, but where no such increment is due by reason of the fact that a workman has reached the maximum of his pay-scale, the said increment shall be paid to him as though it were a 'secondary increment' due within the meaning of Regulation 15B of the Air-India Employees' Service Regulations.
- (iii) The *ad hoc* increment will also be payable to temporary workmen with effect from 1st April, 1964 provided they had completed one year's continuous service on that date. In the case of temporary workmen or probationers who had not completed one year's service but had been

in continuous service on 1st January, 1964, the *ad hoc* increment will be payable to them with effect from the date of confirmation or on the completion of one year's service after 1st April, 1964 whichever is earlier.

- (iv) In respect of the workmen drawing a basic pay of Rs. 101—120 as on 1st April, 1964, the interim relief will be Rs. 25 on and from 1st April, 1964 instead of Rs. 20+Rs. 10 special allowance sanctioned under Staff Notice No. 15/64-65 dated 1st June, 1964.
- (v) It is further agreed that for the purpose of fixation of pay, if any, on the basis of the award to be made by the Honourable Tribunal, the existing pay of the employees will be taken as the pay which they would have drawn but for this agreement i.e. without the addition of the *ad hoc* increment.
- (vi) Any payment made as an *ad hoc* increment with accretion of dearness allowance thereto would be set off or adjusted against any monetary benefit which may be payable under the Award of the Honourable Tribunal or recovered in any other manner if no such monetary benefits are payable under the Honourable Tribunal's Award.

3. It is distinctly understood between the parties that the said *ad hoc* increment as above, shall be deemed to be an increase in Interim Relief in settlement of the demand made by the Air Corporations Employees' Union, under item No. 57 of paragraph 1 of the Schedule appended to the Government of India, Ministry of Labour & and Employment's Order dated 25th July, 1964, and the aforesaid demand of the said Union for Interim Relief shall no longer survive.

4. The parties pray for the orders of the Honourable Tribunal on this application, which may be passed as an Award on the dispute on item 57 of the Schedule.

For & on behalf of Air-India Corporation.

Sd./- (A. S. BANAVALLIKER),
Personnel Manager.

For & on behalf of Air Corporations
Employees' Union.

Sd./- (G. CLEMENT),
Regional Secretary.

WITNESS:

- 1. Sd/-.....
- 2. Sd/-.....

Bombay the 30th December, 1964.

APPENDIX A

Scale of Interim Relief payable under Staff Notice No. 15/64-65 dated 1st June, 1964.

Basic pay	Quantum of Interim relief
Rs.	Rs.
50—	15.00
51—120	20+10
121—250	25
251—350	20
351—650	15

NOTE: The interim relief payable to employees in the pay slab of Rs. 51—120 will be Rs. 20 plus a Special Allowance of Rs. 10. This Special Allowance will be admissible with effect from 1st January, 1964 provided the employee has completed one year's service on that date. Those in service on 1st January, 1964 and have not completed one year's service will be eligible for this allowance with effect from the date of completion of one year of service. It will not be payable to those who entered service subsequent to 1st January, 1964.

[No. 17/2/64/LRIV.]

O. P. TALWAR, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 11th February 1965

S.O. 652.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Kanpur in Uttar Pradesh State pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

2. Now therefore, in exercise of the powers conferred by Sub-Section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority at 7/166, Swarupnagar, Kanpur. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Uttar Pradesh			District Allahabad			Tahsil Sirathu				
Village	Survey No.	Extent			Village	Survey No.	Extent			
		B	B	B			B	B	B	
1. Kanwar	2345	0	0	10	4. Sarho	561	0	1	0	
	2349/1	0	0	10		564	0	1	15	
	2363	0	1	0		293/1	0	1	0	
	2454	0	1	0		366/1	0	0	15	
	2462/1	0	0	10		585	0	2	0	
	2470	0	1	10		589	0	1	0	
2. Dhumai	282	0	0	10	5. Dondapur	599	0	4	15	
	286	0	0	5		605	0	3	5	
	330	0	2	0		615/1	0	5	0	
	532	0	1	0		927	0	5	0	
	534	0	1	0		930	0	2	15	
	535	0	2	0		939	0	1	15	
	563	0	1	0		944 A	0	2	0	
	566	0	1	15		947	0	0	10	
	1170	0	5	0		6. Garai	200 M	0	0	5
	1172	0	1	10			200 M	0	0	5
	1173	0	0	10			201	0	0	10
	1265	0	1	0			202	0	1	0
	1267	0	5	0			206A	0	0	10
	1269	0	8	0		7. Kura Muridan	144	0	2	0
	1272	0	2	0			150	0	0	5
	1273	0	1	5			166	0	0	5
	1307	0	1	0			184	0	0	10
	1369/1	0	2	10			597	0	1	0
	1372	0	2	5			615	0	0	10
	1373	0	4	15			621	0	0	10
	1417	0	1	0			630	0	0	5
	1419	0	7	10			636	0	0	15
	1435	0	1	0		8. Sirathu	848	0	11	10
1436	0	0	15	867	0		2	0		
1442	0	5	0	884/1	0		5	0		
1449	0	1	10	884/2	0		2	0		
287	0	0	10	886/1	0		2	15		
288	0	0	5	886/2	0		2	15		
462	0	1	0	887	0		3	10		
514	0	1	0	897	0		8	0		
520	0	0	10							
535/2	0	1	15							
540/1	0	2	0							
544	0	0	5							

Village	Survey No.	Extent B B B	Village	Survey No.	Extent B B B
8. Sirathu— <i>contd.</i>	921	0 0 10	11. Gobindpur Gorio— <i>contd.</i>	381	0 0 5
	922	0 5 0		391	0 4 10
	946	0 1 0		392	0 3 0
	947	0 0 10		395	0 1 5
	986	0 1 0		502	0 3 15
	988	0 7 15		503	0 7 10
	1056	0 6 15		507	0 6 0
	1061	0 9 10		508	0 3 0
	1170	0 0 15		536	0 3 15
	1171	0 0 5		541	0 0 10
	1356	0 0 10		542	0 2 10
	1371	0 2 0		543	0 4 10
	1378	0 1 10		544	0 4 0
	1405	0 1 0		549/1	0 0 15
	1587	0 0 5		550	0 12 10
	3294	0 1 0		552	0 0 10
	3296	0 0 15		558	0 0 10
	3297	0 0 15		623	0 5 0
	3301	0 2 10		626	0 1 15
	3307	0 2 0		627	0 1 15
	3345	0 1 10		631	0 0 15
	3357	0 1 10		633A	0 1 15
	3361	0 0 5		634	0 1 15
	3362	0 0 5		635	0 0 10
	3365	0 0 5		641	0 1 0
	3380/2	0 1 10		642	0 0 15
	3381	0 0 10		643	0 1 0
	3395	0 1 0		644	0 1 10
	3396	0 0 5		645	0 2 0
	3397	0 4 0		647	0 1 00
	3399	0 0 5		651	0 1 10
	3402	0 0 10		652	0 0 10
	896	0 2 0		657	0 3 5
				668	0 1 0
9. Nagia Mai	647	0 1 0		669	0 2 0
	655	0 0 5		671	0 1 0
	658	0 0 10		674	0 1 0
	659	0 1 0		675	0 0 10
				676	0 1 10
10. Siyara Mithepur	1836	0 0 5		679	0 0 5
	1894	0 0 10		682	0 0 15
	2028	0 1 0		684	0 0 5
	2995	0 2 0		686	0 1 10
				687	0 1 0
11. Gobindpur Gorio	174	0 3 0		689	0 0 5
	182	0 1 0		693	0 1 10
	217/1	0 1 0		695	0 0 15
	217/2	0 2 10	12. Niwarhiya	1372	0 1 0
	283	0 0 15		1373	0 0 5
	284	0 0 5		1375	0 1 5
	294	0 1 10		1377	0 1 15
	298	0 2 10		1380	0 4 10
	299	0 2 0		1381	0 8 10
	300	0 1 0		1385	0 2 0
	301	0 1 0		1387/1	0 2 15
	311	0 4 0		1388	0 7 15
	313	0 7 10		1390	0 3 10
	315	0 1 10		1428	0 1 5
	317	0 2 5		1430	0 0 10
	318	0 0 10		1432	0 2 0
	325	0 2 10		1435	0 2 10
	326	0 3 10		1442	0 11 15
	375	0 0 15		1483	0 1 0
	376	0 1 10		1484	0 0 10
	377	0 2 5		1486	0 0 10
	378	0 1 15			

Village	Survey No.	Extent B B B	Village	Survey No.	Extent B B B
12. Niwarhiya— <i>contd.</i>	1488/1	0 2 5	13. Tikar Dih— <i>contd.</i>	790	0 2 0
	1493	0 0 5		792	0 3 0
	1570	0 1 0		795	0 0 10
	1573	0 1 10		872	0 0 15
	1574	0 2 10		873	0 2 0
	1608	0 1 10		926	0 3 0
	1616	0 0 5		931	0 2 10
	1617	0 1 0		935	0 4 10
	1642	0 2 0		936	0 0 10
	1644	0 3 0		938	0 0 5
	1688	0 0 5		1192	0 5 5
	1690	0 1 0		1193	0 0 10
	1692	0 1 5		1200	0 0 10
	1716	0 5 5		1201	0 1 0
	1766	0 4 5			
	1767	0 0 10	14. Sindhiya	50	0 0 5
	1777	0 1 15		51	0 0 10
	1791	0 1 15		87	0 0 5
	1793/2	0 1 0		88	0 0 5
	1851	0 1 0 4		92	0 3 10
	1853	0 1 10		93	0 0 5
	1854	0 3 0		94	0 2 10
	1855	0 3 0		95	0 1 5
	1856/2	0 3 10		105	0 2 10
13. Tikar Dih . . .	752	0 0 5		120	0 1 5
	757	0 2 0		122	0 0 5

[No. 31/50/63-ONG.]

P. P. GUPTA, Under Secy.

